

COASTAL MANAGEMENT STRATEGY FOR NEW JERSEY - CAFRA AREA:

Public Comments and DEP Responses

Addendum To: New Jersey Coastal Management Program -
Bay and Ocean Shore Segment
and Draft Environmental Impact Statement

May 1978

New Jersey Department of Environmental Protection
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Introduction

This report presents responses by the Department of Environmental Protection (DEP) to public comments on the Coastal Management Strategy for New Jersey-CAFRA Area. The Strategy was presented by DEP to the Governor, Legislature, and public in the fall of 1977. The 223 page report was prepared in fulfillment of Section 16 of the Coastal Area Facility Review Act (CAFRA) and as a draft of New Jersey's coastal program to be submitted for approval to the U.S. Department of Commerce under the federal Coastal Zone Management Act.

DEP distributed 3,000 copies of the Strategy and over 6,000 copies of a four page summary to interested individuals and groups representing a wide cross-section of public officials, private interest groups and interested individuals. Staff of DEP's Office of Coastal Zone Management (DEP-OCZM) discussed the report at more than 20 informal meetings held throughout the coast. In late November 1977, DEP-OCZM convened a series of meetings in eight coastal counties which were attended by over 300 people. Appendix I of this report provides a summary of responses to a questionnaire DEP-OCZM distributed at the eight public meetings. Appendix II lists the individuals and groups who commented on the Strategy.

The major part of this report is a presentation of specific comments on the Strategy and DEP responses. The responses, for the most part, explain how DEP used the comment in revising the Strategy to prepare the New Jersey Coastal Management Program - Bay and Ocean Shorefront Segment and Draft Environmental Impact Statement. Because many of the comments refer to specific sections of the Strategy and many of the responses refer to the Coastal Program document, this report can best be understood and appreciated by reference to these two documents.

This report lists and responds to 434 specific comments that DEP-OCZM extracted from the 80 letters and statements received in response to the Strategy and from many of the comments expressed at public meetings. Many comments which did not specifically address part of the Strategy were considered, but have not been included in this report. In addition, DEP has not included comments expressing agreement or support, since these required no response but "Thank You". DEP reworded some of the comments extracted from longer statements, but tried to maintain the original intent and tone of the writer or speaker. A complete set of the comments are available for consultation at DEP-OCZM's Trenton Office.

The left column on the following pages includes the public comment with the appropriate page of the Strategy in parenthesis, when possible. The middle column indicates the individual or group making the comment, and the right column gives DEP's response with a reference to the section of the Coastal Management Program - Bay and Ocean Shore Segment whenever possible.

The comments are generally listed in the order of the pages of the Strategy to which they refer. The comments are listed under the following headings:

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COMMENT

SOURCE

RESPONSE

BOUNDARY

- | | | |
|---|---|---|
| 1. Areas west of Garden State Parkway should be deleted. (Page 13) | New Jersey Shore Builders Association

Manchester Manufacturers Assoc.

Asarco Inc. | These areas were included in CAFRA for sound environmental reasons and can only be removed by the Legislature, not DEP. See Chapter Two - Inland Boundary Segment. (Pages 13-16) |
| 2. The following are not included in CAFRA and should not be listed as being in the coastal zone.
1) Lakehurst
2) Fort Dix
3) Naval Weapons Station Earle
(Page 13) | U.S. Navy | Except for the access road and railroad to Earle, this comment is correct. The appendix on Excluded Federal Lands - Segment has been changed accordingly. (See pages 264-265) |
| 3. CAFRA boundary is not based on significant impact. Cultural features are not rational way of delineating a boundary (Page 13, 17) | Salem County Planning Board | See Appendix F - pages 252-253 for description of basis for the boundary. Cultural features are used as an easily understood method of describing the scientifically determined area. |
| 4. Some streams are not included in the coastal zone boundary. (Page 17) | Salem County Planning Board

U.S. Fish and Wildlife Service | All tidally influenced streams will be included as they are delineated. |
| 5. DEP should include Stream Encroachment, Riparian, Wetland, & Flood Insurance jurisdiction to determine boundary in Gloucester County (Page 17) | Pureland Industrial Complex | This is essentially the approach used in determining the Segment boundary, and every effort will be made later in 1978 to define a coastal zone boundary along the Delaware River without creating additional boundary lines. |
| 6. Include all marine coastal areas to the maximum salinity intrusion at low flow (page 15). | National Marine Fisheries Service | This is impossible because the salinity varies from hour to hour. Instead, the boundary is based upon tidal influence is more inclusive. |
| 7. What criteria were used in boundary determination? (Page 17) | U.S. Fish and Wildlife Service | See Appendix F, pages 252-253. |

COMMENT	SOURCE	RESPONSE
8. More thorough study for the boundary in the northern waterfront area is necessary. HMDC inclusion should be studied (Page 18)	Society for Environmental and Economic Development (SEED)	Agreed. This will occur through DEP-OCZM staff work and a contract for coastal planning with county planning board including Hudson and Union, as well as the HMDC.
9. Wetlands inland of CAFRA should be included (Page 13)	National Marine Fisheries Service	Agreed. The boundary has been changed. See Chapter Two - Inland Boundary - Segment, pages 13-16.
10. No additional areas outside CAFRA should be added to the coastal zone. (page 15, 19)	New Jersey Asphalt Pavement Assoc. New Jersey Utility Contractors Assco.	Such additions are required by Federal law. See Appendix F - Coastal Zone Boundary.
11. The Palisades should be included in the coastal zone (page 18)	Hoboken Resident	The State has limited present legal authority to manage development along the Palisades. Inclusion in the coastal zone would therefore be meaningless. New state legislation would be necessary to protect the Palisades.
12. Correct "Medford Lakes" to "Medford" (Page 25)	Burlington - OCS	Agreed. See page 260.
13. Include upstream shorelands above Trenton & all flood plains to 20' contour. (Page 17)	DEP, Division of Fish, Game & Shellfisheries	The coastal zone boundary is based upon tidal influence and is therefore proposed to stop at Trenton. Water in other parts of the state are being addressed by the 208 water quality planning program administered by the Division of Water Resources.
14. Are non-CAFRA areas going to be legislatively defined? (Page 15)	Charles Erwin	Probably not in the near future, unless the legislature so chooses. See Appendix F - Coastal Zone Boundary.
15. Middlesex, by being excluded from CAFRA, does not get money, but gets pressure for uses excluded in CAFRA (Page 15)	Middlesex County Planning Board	DEP has a contract with the Middlesex County Planning Board to determine what activities should take place in the county's waterfront areas. Activities discouraged in the Segment will be recommended for location in other parts of the coastal zone only if they are appropriate.

COMMENT	SOURCE	RESPONSE
16. Program must include areas of direct and significant impact. (Page 17, 18)	Salem County Planning Board Natural Resources Defense Council	This has been done. See Chapter Two - Inland Boundary - Segment, pages 13-16 and Appendix F, page 252.
17. Does OCZM have legal ability to expand boundary? (Page 17, 19)	Public Advocate New Jersey Chamber of Commerce	Not to extend the CAFRA boundary, but DEP can define a coastal zone without changing the boundaries of state laws. See Appendix F, page 252-264.
18. Include Raritan Bay, and Estuary, to Victory Bridge (Page 17, 19)	Middlesex - 208	This is to be determined later in 1978 in coordination with the County Planning Boards. See Appendix F, pages 252-264.
19. Re-evaluate northern boundary to determine what political area should be included to gain control. (Page 18)	New Jersey Conservation Foundation	This is to be determined later in 1978 in coordination with the coastal county planning boards. See Appendix F, pages 252-264.
20. Will Camden be included in the coastal zone? (Page 17)	City of Camden - Economic Development Director	The waterfront sections may be included, although the exact boundary will be determined later in 1978 in coordination with the coastal planning boards. See Appendix F, pages 252-264.
21. Have all wetlands along Delaware River been included? (Page 17)	U.S. Fish & Wildlife Service	Yes, all wetlands on tidal streams related to Delaware Bay are now included. See Chapter Two - Inland Boundary - Segment, pages 13-16.
22. The borough of West Long Branch is omitted on list of Monmouth County municipalities. (Page 123)	Eugene Amron	It is now included. See page 254.
23. Secaucus, which is 80% in the HMDC district, is not listed on list of affected municipalities in the <u>Strategy</u> . (Page 125)	Hartz Mountain Industries	It will be included when DEP prepares the program for the rest of the coastal zone. It is now listed on page 261.

COMMENT	SOURCE	RESPONSE
24. Coastal program should not be submitted in segments because it could lead to pushing of all energy facilities to non-CAFRA area.	Jersey City Planning Director Regional Plan Association	The intent of the energy policies is to steer facilities to where they can best be accommodated. Submission of the Program in segments will not affect their location.
25. Re-examine boundaries after inventory is completed. The <u>Strategy</u> covers an area that seems to extend beyond the coastal zone, while the boundaries in the north seem too narrow to protect coastal environmental values.	Regional Plan Association	The boundaries will be reexamined during 1978 through public comment on the <u>Segment</u> , the Estuarine Study, and DEP's contracts with counties.

BASIC COASTAL POLICIES

26. Basic Coastal Policies do not address beneficial use and development of coastal zone. The should be revised to include "while permitting its beneficial use and development." (Page 25)	Public Service Electric & Gas Company	This phrase is implied by Basic Coastal Policies 1 and 2 and specifically addressed by Location and Use Policies encouraging appropriate development of coastal sites. See pages 11-12.
27. The second basic Coastal Policy should also encourage industrial development in a concentrated manner (Page 25)	Salem County Planning Board	Agreed, and included in second basic Coastal Policy. See page 11.
28. The second Basic Coastal policy should encourage dispersed development to reduce safety hazards, as in nuclear plants and LNG facilities.	Salem County Planning Board Public Service Electric & Gas Company	Agreed. The rationale for the policy includes a statement incorporating this comment, and the fourth Basic Coastal Policy further insures its consideration. See page 11-12.
29. The program should protect an environmental resource or some lands which are in need of preservation because they are near developed lands. (Page 25)	Salem County Planning Board New Jersey Conservation Foundation	Agreed. The Resource Policy on "Buffer and Compatibility of Uses" in Chapter Three addresses this issue. See page 160.

COMMENT	SOURCE	RESPONSE
30. The second Basic Coastal Policy of concentration will conflict with federal Clean Air Act Amendments which specify no development in non-degradation (essentially urban) areas. (Page 25)	New Jersey Chamber of Commerce	The Basic Coastal Policy and the Clean Air Act Amendments provide two criteria, rather than a conflict, for locating development. See the rationale for the Air Quality Resource Policy in Chapter Three on pages 157-158.
31. The statement that land where development is discouraged is likely to decrease in value, may be incorrect since open space can increase the value of adjacent land. (Page 25)	American Littoral Society	This is now noted in the rationale to Use Policy 7.2.2 on page 132 and in the rationale to the Buffer Resource Policy. See pages 160-161.
32. What is the relationship of the concentration of development with DCA State Development Guide Plan? (Page 25)	Society for Environmental and Economic Development (SEED)	It is essentially consistent. See "Department of Community Affairs" in Chapter Four on pages 171-172.
33. Cluster development increases runoff of toxins and heavy metals more than suburban single family development. (Page 25)	League of Women Voters	This concern is addressed by the Runoff Resource Policy in Chapter Three. See pages 153-154.
34. Certain development prefers urban to shore locations. Open space is protected, but the people are not protected. (Basic Coastal Policy 4, Page 25)	JoAnn Katzban	The Program for the rest of the coastal zone will address urban waterfront issues.
35. <u>Strategy</u> does not deal with people. Rethink urban policies in relation to special needs of people.	Bill Beren	As summarized by the fourth Basic Coastal Policy, the entire set of policies is based upon a desire to maintain and improve the quality of life for all people.
36. More economic concerns are necessary. (Page 25)	Bob Litorie	Economic concerns did help form the policies. Long term economic gain depends upon the siting and construction of development in an environmentally sound manner.

COMMENT	SOURCE	RESPONSE
37. Prohibiting and encouraging alone will not provide coastal zone envisioned by N.J.'s coastal planners. Encouragement must become more positive. (Page 25)	Marine Trades Association	The Coastal Program is an effort to provide a statement of what the State of New Jersey will do to manage the coast, and what it believes others should do. More precise definitions of these terms have been included. See Pages 20-21.

COASTAL POLICIES - GENERAL

38. Considering the concentration of people, what is to happen during a hurricane or other disaster requiring evacuation.	Joint Council of Taxpayers	This is a serious problem. The Coastal Program cannot address past development which should not have been built. DEP can only work with the N.J. Department of Defense to have effective evacuation procedures, and adopt policies to deny or condition future development in such areas.
39. Use policies should discuss fishing (Virginia's CZM program is a good model).	National Marine Fisheries Service	This is now addressed in Resource Policies in Chapter Three. See pages 151-152.
40. Why is there no policy on rebuilding non-conforming uses (i.e. rebuilding on a sand dune) (Page 34)	Steve Gabriel Ocean City	There is very limited state legal authority to manage building or rebuilding on sand dunes. The issue merits further study.
41. "Shall be discouraged" should not appear in print.	Asaro Inc.	Developers wish to know early how DEP views their project and the use of "discouraged", which has been further defined in the <u>Segment</u> can give an applicant a clear idea of how the project can be revised to be approved.
42. The <u>Strategy</u> encourages the maintenance of large contiguous tracts of prime agricultural land (Use Policy 35, page 39). How will this be achieved? Will OCZM utilize TDR?	Steve Gabriel Ocean City	This will be achieved largely by denying development application which would break up large areas of agricultural land. DEP will explore the possibility of using TDR (transfer of development rights).

COMMENT	SOURCE	RESPONSE
43. Heavily developed areas in New Jersey already suffer the highest levels of environmental degradation and pollution. DEP must insure that permits granted for development in these areas do not increase air, water, and noise pollution.	Association of New Jersey Environmental Commissions	Agreed. See Resource Policies on Water, Air and Buffers on pages 152, 157, and 160.
44. No further growth, even if it is adjacent to previously developed areas, should be allowed on barrier islands, dunes, wetlands, prime aquifer recharge and areas of high water table.	Association of New Jersey Environmental Commissions	This is the general intent of the policies, although development is in some cases appropriate or necessary. See policies and rationale on pages 55, 54, 69, and 57.
45. Policies should clearly delineate prohibited uses and site-types in which no change will be allowed.	Association of New Jersey Environmental Commissions	Activities are "prohibited" when appropriate and when legally feasible. See Chapter Three.
46. Use of "encouraged" status should be severely restricted in environmentally sensitive areas, and in cases where DEP has no previous review experience the "encouraged" status should never be used.	Association of New Jersey Environmental Commissions New Jersey Conservation Foundation	The definition of "encouraged" has been made more specific. See page 21. The term will not be applied to types of development with which DEP has no previous experience. A sentence to this effect was inadvertently omitted from the DEIS, but will be included in the Final EIS.
47. Performance standards should include fish and shellfish.	DEP - Division of Fish, Game & Shellfisheries	They now do. See Location and Resource Policies in Chapter Three, especially pages 31, 32, 33, 34, and 151.
48. The Program needs to develop a barrier island policy.	Natural Resources Defense Council	Such a policy is difficult because New Jersey barrier islands are quite developed. The <u>Coastal Programs</u> addresses this issue in Location Policies for "High Rise Erosion Areas" (page 50), "Dunes" (page 54), "Beaches" (page 71-72) and "Central Barrier Island Corridors" (page 55) in Chapter Three.

COMMENT	SOURCE	RESPONSE
49. Where has infill been defined in the Strategy? (Use Policy 44, Page 42)	Sierra Club	It is now explicitly defined in the Glossary on page 312.
<u>ILLUSTRATIONS AND MAPPING</u>		
50. Some additional diagrams would aid in the description of the implementation of CLAM.	Burlington OCS Task Force	The Location Policy Section of Chapter Three is a thorough redesign of CLAM intended to accomplish this purpose. See pages 19-163.
51. Illustrations on Pages 90 and 91 are unclear (dredging coastal appearance, effluent discharge, air) (Page 90, 91)	American Littoral Society	Agreed. These figures have been redrawn, and others have been added.
52. Figure 7c, with its reference to building moratorium does not reflect any concept relevant to air quality planning. (Page 91)	DEP - Division of Environmental Quality	Same comment as above.
53. You cannot develop policies without mapping areas. (Page 34)	Public Advocate	The use of many maps and coastal visits helped form the policies. See the Case Studies beginning on page 316 to see the relationship between policies and mapping. Preparation and reproduction of detailed maps for the coastal zone will be done in the future. See Chapter Seven, especially page 198.
54. Maps 3a through 7 are difficult to read because in some the coast is dark while in others it is uncolored. (Page 112, 122)	League of Women Voters	The maps have been omitted. Clearer maps are available for inspection in the DEP-OCZM Trenton office.
55. DEP should complete the proposed coastal mapping project within the next two years.	Association of New Jersey Environmental Commissions	This is part of DEP's plan. See pages 197-198 in Chapter Seven.
56. Areas where (a) general development should be allowed (b) where only certain uses will be permitted and where design must be approved, and (c) areas of supreme	Regional Plan Association	Same comment as above.

COMMENT	SOURCE	RESPONSE
ecological, visual or recreational value where nothing should be built without some overriding reason, should be delineated.		
57. The order of policies is inconsistent with the content of the policies. Transportation deserves billing over camping, and the buffer policy should follow vegetation.	DEP - Green Acres	The order of the policies has been rearranged. The order is not, however, intended to indicate relative importance.
58. There is no basis for allusion to "careless design of planning of major industrial or energy facilities." It should be deleted. (Page 92)	Public Service Electric & Gas Company	This has been deleted.
59. Change page vii-last sentence from "encourage appropriate" to "discourage inappropriate". (page vii)	American Littoral Society	The introduction has been largely rewritten, omitting this phrase.
60. DEFINE: 1. Maximum practicality 2. Single purpose vs. multi purpose marina 3. substantial population density limits with regard to LNG siting	Cape May County Planning Board	A glossary has been included as Appendix M. The population density limits regarding LNG facilities have not yet been defined by any level of government or industry. See pages 310-315.

ENERGY

61. Change "from the center of the Pine Barrens" to "from the Pine Barrens". (Page 28)	American Littoral Society	The wording has been changed to "undeveloped parts of the Pine Barrens ... See "Pipelines and Associated Facilities" subsection of Energy Policies in Chapter Three on pages 141-144.
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COMMENT	SOURCE	RESPONSE
62. Siting flexibility is needed and must be provided by the <u>Strategy</u> . It is possible to allocate a small portion of the coast to energy use.	Public Service Electric & Gas Company	The Energy Policies in Chapter Three provide such flexibility. See pages 137-147.
63. The document is anti-energy and anti-growth. It is also in conflict with the spirit and intent of CAFRA. The national objective is to become energy self-sufficient, which is virtually ignored. (Page 26)	Public Service Electric and Gas Company	Disagree. The energy policies consider both state and national interests. See National Interest Section of Chapter Five (page 176-186) as well as Energy Policies in Chapter Three (pages 137-147).
64. Energy related uses such as refineries, power plants, etc. should be specifically directed outside the CAFRA area.	Natural Resource Defense Council	Agreed. Major energy facilities are directed out of CAFRA. See pages 137-147.
65. NJ is a non-attainment area, and the entire state is in conflict with air standards regarding petrochemicals. It is important that the <u>Strategy</u> recognize the cancer problem.	JoAnn Katzban	Any additional or expansion of existing refineries will have to comply with state and air federal offset emission controls. Development in the coastal zone, as elsewhere in the state, will have to comply with the Clean Air Act. See Air Resource Policy, on pages 157-158.
66. We are concerned that the <u>Strategy</u> will not allow the most expeditious handling of energy facility projects, especially off-shore development.	State Chamber of Commerce	The articulation of energy facility siting policies is a major step toward expediting project review by lessening uncertainty.
67. Policies are vague and loop holed. Having a policy that encourages oil companies to operate in a manner that respects the environment is laughable. All must conform to the law. Saying pipelines "shall avoid" the barrens is feeble, they should be prohibited from the barrens.	Sierra Club	The language of the policies has been tightened. See pages 137-147.

COMMENT	SOURCE	RESPONSE
68. The legitimacy of an energy facility must be considered (unneeded facilities will not be approved) (Page 26)	Public Advocate	Legitimacy, or need, will be considered as well as possible alternatives by DEP and DOE. See especially pages 138 and 139.
69. There seems to be inadequate accommodation of OCS facilities. (Page 93)	U.S. Bureau of Land Management	Disagree. The state as a whole will be doing more than its fair share to support exploration and development. See Energy Use Policies in Chapter Three and National Interest section in Chapter Five.
70. Energy policies need to reflect the requirement that the best available technology be utilized during all phases of planning, design, construction and operation of the facilities. (Page 26)	Cape May County Planning Board	This is the intent of the "General Energy Facility Siting Policy" in Chapter Three on pages 137-138.
71. OCS facility policies do not reflect information in the Princeton and Rutgers studies.	Atlantic Audubon Society	Disagree. The opinions and data in the two reports were taken into account in the initial drafting, as well as the redrafting of the energy policies.
72. Oil and gas supporting activities are incompatible with the Atlantic County tourist economy and should take place in the Perth Amboy area. (Page 26)	Atlantic Audubon Society	DEP encourages the location of such facilities in developed urban areas. A facility will be approved, however, only if it will not interfere with, or threaten, the environment which supports the tourist industry.
73. Paragraph on page 93 appears to indicate inadequate accommodation of OCS facilities. (Page 93)	U.S. Bureau of Land Management	This section has been deleted. OCS facilities are considered in detail in the Energy Policies Section of Chapter Three. See pages 137-147.
74. N.J. should recognize the national need to provide and identify new energy supplies. (Page 27)	American Littoral Society	This is recognized in the "Conservation and Alternative Technology" Energy Policy in Chapter Three. See pages 147 and 162.

COMMENT	SOURCE	RESPONSE
75. Delete "rapid" and "respect" in general OCS policy. (page 26)	American Littoral Society	"Rapid" exploration is encouraged to provide information on the likely extent of development. The exploration must be designed to "respect" the natural and build environment or it will not be approved.
76. DEP should evaluate costs and benefits to N.J. of oil drilling and production of OCS. (Page 26)	Public Advocate	DEP's contracts with Rutgers, Princeton, and 12 coastal counties to study OCS activities, as well as independent DEP-OCZM studies and critiques of EIS's prepared by the U.S. Bureau of Land Management on the OCS Lease - Sales No. 40, 42, and 49. have contributed much cost-benefit information.
77. The policies should state that only OCS related facilities which need to be adjacent to the lease sale area will be permitted in CAFRA area, and all others will be directed inland. (Page 26)	Natural Resources Defense Council	This is the intent. See revised language on Energy Policies in Chapter Three on pages 137-147.
78. DEP wishes to avoid conflict with state's major tourist industry. (Page 26)	Public Advocate	Agreed.
79. The Energy Policies should consider conflicts with commercial and recreational fishing and tourism. (Page 26)	Atlantic Audubon Society	This is the reason most energy facilities are directed toward developed areas.
80. Expand the OCS policies to include consideration of impacts which are a result of development and production phases of OCS activities. (Page 26)	Cape May County Planning Board	To the extent such impacts can be known in the exploratory phase, they are being considered.

COMMENT	SOURCE	RESPONSE
81. The policy stating offshore bases will locate in industrial zones in urban areas is in conflict with page 93 stating that an exception may be made for areas near Atlantic City. (Page 27, 93)	U.S. Fish & Wildlife Service	The Onshore Support Base policy has been revised and the inconsistency has been eliminated. See page 140.
82. The OCS policy should establish specific siting requirements and state that siting in fragile areas will not be permitted. (Page 27)	Natural Resources Defense Council	This is the intent of the revised Energy Policies and Location Policies in Chapter Three. See pages 19-163, especially 137-147.
83. DEP should declare that it will not authorize offshore industries where their impacts could be severe. (Page 27)	Public Advocate	This is stated in the General OCS Energy Policy in the Use Policy section of Chapter Three. See page 139.
84. Energy policy #4 does not recognize the low demand for siting a platform construction yard, nor the large acreage, nor the possibility of having to locate in rural areas. (Page 27)	Natural Resources Defense Council	These factors are now acknowledged in the "Platform Fabrication Yards" Energy Policy in the Use Policies section of Chapter Three. See page 141.
85. Policy should specify that development of wetlands for offshore platform construction yards should be discouraged. (Page 27)	National Marine Fisheries Service	This is stated explicitly for all uses in the Lower Water's Edge subsection of the Location Policy in Chapter Three. See pages 69-71.
86. A cost-benefit evaluation should be performed on the secondary impacts of population growth and air pollution related to energy facilities. (Page 27)	Public Advocate	Secondary Impacts are considered part of a development application. See Resource Policies in Chapter Three on pages 159-160.

COMMENT	SOURCE	RESPONSE
87. Pipelines - Section e should include "productive and unique wildlife habitat". No mention is made of wildlife, especially our rare and endangered species. (Page 28)	N.J. Division of Fish, Game & Shellfisheries	This has been added to Chapter Three for all uses. See Prime Wildlife Habitat subsection of Location Policies.
88. With respect to pipelines, we would hope policy is not too lenient. No risk should be taken with the ocean/estuarine environment. (Page 28)	Conservation Society of Long Beach Island	That is the intent of this policy.
89. Enlarge pipeline exclusion area to include Great Bay area and the mouth of the Mullica River. The estuarine areas should also be in a protected status. (Page 28)	U.S. Environmental Protection Agency	The pipeline policy is based upon the "Critical Area" regulated by the Division of Water Resources. This area does not include the Great Bay and Mullica River area. See pages 141-142.
90. What is the potential for degradation if the pipeline corridor is nearby undeveloped regions? (Use Policy 5, page 28)	Stephen Gabriel Ocean City	It is uncertain. DEP is undertaking a six month Estuarine Study to begin in May 1978, which will study impacts and the thresholds at which point these impacts are felt.
91. Support use of critical areas as a means of deciding pipelines traversing the most sensitive and wildest portion of the pinelands. (Page 28)	Burlington OCS Task Force	This is the basis of the policy. See pages 141-142.
92. Use of the word "initial" in Pipeline Policy #5 implies there will be subsequent corridor which may not be subject to this policy. (Page 28)	U.S. Fish & Wildlife Service	The policy has been rewritten to say that the number of pipelines shall be limited to the maximum extent feasible. See Pipeline and Associated Facilities Policy (a) in Use Policies in Chapter Three. Until the oil and gas exploration is well underway, the hydrocarbon resources off New Jersey's coast and the necessary number of support facilities cannot be known. (See pages 141-142)

COMMENT	SOURCE	RESPONSE
93. Exclusion area in Use #5, is not discernable by map. The map is incorrect. (Page 29)	Burlington OCS Task Force	The map has been revised. See page 143.
94. "Pipeline exclusion area" should probably read "Energy Facilities exclusion area." (Page 29)	New Jersey Petroleum Council	The policy applies specifically to pipelines (and ancillary facilities) which are the only energy facility to have been seriously proposed or evaluated for inclusion in the Pine Barrens.
95. Will DEP recognize certificates of necessity from FERC.	New Jersey Petroleum Council	DEP will work with FERC and other federal agencies, and consider their advice in concert with its own judgments.
96. Joint hearings with federal agencies might be in order to review certificates. (Page 29)	New Jersey Petroleum Council	This is a good idea which DEP will use whenever feasible.
97. Define - "entire new potential pipeline corridor" in Use Policy 5, Section d. (Page 30)	U.S. Fish & Wildlife Service	This includes all contemplated ancillary facilities and is defined in greater detail in Policy 4.7(c) in Chapter Three. See page 142.
98. Excluded areas for pipelines should include undeveloped portions of the barrier islands, wetlands, groundwater, protected areas, and resources valuable for wildlife and recreation. (Page 28)	National Resources Defense Council	Development of pipelines or other facilities is discouraged in such areas through the location policies noted in Chapter Three.
99. What types of air pollution controls will be permitted? (Page 28)	Vivian Li	New facilities will have to provide the best available technology and conform to federal and state air standards. See page 157.
100. What are selected cases for exceptions. Can oil pipelines be construed as linear facilities and have policies waived? (Page 42)	Sierra Club	Selected cases could include a pipeline, road, or other linear facility which conformed with the coastal policies in all but a small section. In this case, four conditions would have to be met. See page 131.

COMMENT	SOURCE	RESPONSE
101. Delete "to the maximum extent feasible" in reference to pipeline corridors in Use Policy 5a. (Page 28)	American Littoral Society	The language has been changed, although the uncertain future of oil and gas development in New Jersey make some flexibility necessary. See Use Policy 4.7(a) in Chapter Three on page 141-142.
102. Was the two mile "exclusion" line in Use Policy 5 inside the ten foot contour picked for any particular reason? (Page 30)	New Jersey Petroleum Council	Yes. To protect the waterfront from facilities which need to be located near the coast, but are not dependent on a waterfront location. The two mile line has been deleted from the <u>Bay and Ocean Shore Segment</u> .
103. The words "Encourage" and "Discouraged" in Use Policy 8 indicates ambivalence and lack of coherent policy. All tanker traffic should be limited to existing industrial sites. (Page 31)	Public Advocate	The policy has been rewritten and the terms "encourage" and "discourage" further defined. See definitions at the start of the Location Policy on page 20 and Use Policy 7.4.11 in Chapter Three on page 145.
104. New facilities should not cause major adverse impacts from dredging and increased oil spillage. (Use Policy 8, Page 31)	National Resources Defence Council	Agreed. See revised tanker terminal (7.4.11) on page 20 and Location Policy in Chapter Three.
105. Deepwater port policy is unclear and meaningless. (Page 31)	Public Advocate	The policy has been deleted.
106. It is unrealistic to think that deepwater ports are unlikely to occur. (Page 32)	Burlington OCS Task Force	Same comment as above.
107. The DOE, not CAFRA should prevail in the siting of electric generating plants. (Page 32)	State Chamber of Commerce Public Service Electric & Gas Company	Under state law, both DOE and DEP must be included in coastal energy facility siting. See Department of Energy Section of Chapter Four on page 171.

COMMENT	SOURCE	RESPONSE
108. The <u>Strategy</u> eliminates nuclear and fossil options. Unfair burdens of proof for safety are placed on an applicant. The <u>Strategy</u> attempts to pre-empt the authority of Public Utilities, DOE and the Energy Research and Development Administration. (Page 32)	Public Service Electric & Gas Company	In view of the state's dense population and high cancer rate, the siting of energy facilities are particularly serious decisions. DEP has a legal obligation to be sure the facilities are safe, while working with the other state and federal agencies.
109. Use Policy 11(d) should be deleted. It is superfluous since DEP controls land development in coastal areas, and the Nuclear Regulatory Commission considers population increases in the safety analysis. (Page 32)	Public Service Electric & Gas Company	The Nuclear Regulatory Commission only considers population at the time a facility is proposed. It does not monitor or control future growth near an approved facility. See revised Electric Generating Station policies on pages 145-146.
110. The federal government has radiation standards for nuclear plants. Therefore, policy 11 should be deleted since it attempts to pre-empt the Nuclear Regulatory Commission (Page 32)	Jersey Central Power and Light Company	The federal government has not specifically addressed the needs, opportunities, preferences and conflicts of the people of New Jersey. The policy has been reworded. See Use Policy 7.4.13 in Chapter Three on pages 145-146.
111. The <u>Strategy</u> claims nuclear plants are unsafe, which only leaves exotic energy sources to be exploited. (Page 32)	Public Service Electric & Gas Company	The public and DEP have not been convinced that nuclear plants are sufficiently safe that other technologies should not be explored. The problems raised by disposal of nuclear waste may raise as many questions as does the lesser developed newer alternative sources of energy. See pages 145-147.
112. Does DEP have a policy to cluster nuclear plants? (Page 32)	Jean Jones	No. The potential danger of nuclear and LNG facilities make their location an exception to the general policy of concentrating development. See rationale to Basic Coastal Policy 2 on page 11.

COMMENT	SOURCE	RESPONSE
113. Nuclear plant approvals should include standards for decommissioning of obsolete plants. (Page 32)	League of Women Voters	Agreed. This was inadvertently left out of Use Policy 7.4.13 in Chapter Three on pages 145-146 and will be included in the Final EIS. DEP already imposed a plan for decommissioning as a condition for issuance of a CAFRA permit for the Hope Creek Generating Station.
114. Add to statement that "It is recognized that certain applications such as nuclear energy facilities and LNG facilities" may require a siting policy remote from other facilities. (Page 32)	Public Service Electric & Gas Company	Agreed. See rationale to Basic Coastal Policy 2 on page 11.
115. Rewrite Use Policy 11(b) to say that disposal of spent fuel will comply with all safety and environmental requirements of the Nuclear Regulatory Commission or other requirements which have been established after presentation of evidence that such requirements are reasonable. (Page 32)	Public Service Electric & Gas Company	This policy has been rewritten. See Use Policy 7.4.13 in Chapter Three on page 145. DEP will continue to evaluate all relevant information arising from the EIS or public hearing for a project.
116. Rewrite Use Policy 11(a) to state that construction and operation of offshore and land based plants will comply with all safety and environmental requirements. (Page 32)	Public Service Electric & Gas Company	Same response as above.
117. The policy should call for approval of facilities in DOE master plan or that are important to the welfare and economic well being of New Jersey. (Page 32)	Public Service Electric & Gas Company	The energy policies were all written with the assistance of concurrence of the Department of Energy. The Master Plan has not yet been adopted but it is noted in Use Policy 7.4.1 on page 139. The welfare and economic well being of New Jersey is an important factor in assessing facility need for environmental and land use review.

COMMENT	SOURCE	RESPONSE
118. The policy on nuclear plants should explain whether it represents a break with past DEP Policy (Page 32)	Bill Beren, Hoboken Resident	A statement to this effect has been added to the rationale for the policy. See Use Policies in Chapter Three on page 146.
119. Use Policy 12 appears to direct LNG to undeveloped, possibly sensitive areas. Policy should state that LNG will be discouraged from locating in sensitive areas. (Page 33)	U.S. Fish & Wildlife Service	This statement is inherent in the Location Policies which apply to all uses and in the LNG policy. See Use Policy 7.4.14 in Chapter Three on page 146.
120. The <u>Strategy</u> maintains an assumption that LNG is hazardous. New Jersey is pre-empting the Federal Power Commission's authority.	Public Service Electric & Gas Company	Despite repeated requests, the Federal Energy Regulatory Commission (formerly FPC) has offered no evidence to counter the assumption of hazard.
121. There is no provision in the coastal program for input by energy companies. (Page 33)	Public Service Electric & Gas Company	Disagree. Energy company comments have been solicited, received and considered since DEP's "Call for Information" in 1975. Such participation will continue to be encouraged. See the Public Participation section of Chapter Four on page 174 as well as Appendix B on page 233-239.
122. Will the state coastal program affect non-land use activities such as tanker operating procedure?	U.S. Department of Transportation	No, unless they require construction of regulated land or water facilities.
123. The state should develop a policy concerning geothermal energy production and use.	Geothermal Energy Institute	Geothermal production has not been formally proposed in New Jersey. DEP needs additional information before a policy can be formulated.
124. There should be a separate policy addressing energy conservation rather than having it woven through the report.	Cape May County Planning Board	See Use Policy 7.4.15, headed "Conservation and Alternative Technologies", on page 147 and Resource Policy on Energy Conservation on page 162.

COMMENT	SOURCE	RESPONSE
125. Does DEP have the right to consider the feasibility of energy siting. Isn't this DOE's responsibility?	Public Service Electric & Gas Company	To the extent that energy facilities will preempt or affect land or water in the coastal zone, DEP maintains this right. See Department of Energy section of Chapter Four on page 170 for discussion of cooperation between the two agencies.
126. The use policy on nuclear generating stations should state "(a) that the construction and operation of offshore and land-based plants will comply with all safety and environmental requirements of Nuclear Regulatory Commission or other requirements which have been established after presentation of evidence that such requirements are reasonable." (Use Policy 11, page 32)	Public Service Electric & Gas Company	The <u>Segment</u> now contains no policy on offshore plants because of the many complex questions still to be answered and because of the postponement of the only pending application for such a facility.
127. Review of energy facility sites by DEP and DOE, resulting in overlapping responsibility and significant delays, could lead to possible conflicts of authority. (Use Policy 7, page 26) State reviews should not duplicate existing fact finding studies.	Public Service Electric & Gas Company	The reviews will be coordinated, while still utilizing the expertise of the two Departments. See the Department of Energy section of Chapter Four on page 170 and the draft memorandum of understanding between the two Departments on pages 277-282.
128. Fossil fueled electric generating stations should be "restricted" rather than "discouraged" in "preservation" areas. To "direct" them to built up areas could conflict with provisions of the Clean Air Act. (Use Policy 10, page 32)	Public Service Electric & Gas Company	DEP recognizes the added burden which may be placed upon energy producers and other industries to meet applicable air quality standards, but does not consider that a sufficient reason to permit the facilities where they will damage valuable natural resources.

COMMENT	SOURCE	RESPONSE
129. A general siting criteria should not be established for LNG facilities	Public Service Electric & Gas Company	The policy for LNG facilities recognizes that they require large buffer areas in case of an accident, and that New Jersey has been given too little guidance by the Federal government to more specifically define possible appropriate sites. See page 146.
130. When disputed energy facility siting decisions go to the State's Energy Facility Review Board, will local citizens have a chance to comment? (Use Policy 1, page 26)	Stephen Gabriel Ocean City Resident	Comments from the public are received during the review of application and at the public hearing. The Energy Facility Review Board can set its own standards for public comment, and is provided with no requirements by the Department of Energy Act.
131. The makeup of the Energy Facility Review Board should also include representatives from the Departments of Labor & Industry, Community Affairs and a fifth member appointed by the Governor. (Page 66)	Public Service Electric & Gas Company	This Board was established by the Legislature in the Department of Energy Act and is beyond the control of DEP.

HOUSING

132. Use Policy 14 condones poor development practices by joining new residential development with existing development areas. (Page 34)	American Littoral Society	This concern has been addressed by the Location Policies which are designed to avoid poor development practices and by the Resource Policy on Buffers on page 160.
133. Use Policy 14 should have no conditions since it encourages cumulative impact and should have the phrase "or in close proximity to" deleted. (Page 34)	National Resources Defense Council	Same comment as above.
134. The housing policies should clarify wetlands filling. (Page 34)	National Marine Fisheries Service	This has been added as Location Policy 6.5.1.2. See page 69.

COMMENT	SOURCE	RESPONSE
135. How do you analyze cumulative impact if development of less than 25 units is not regulated. (Page 34)	U.S. Fish & Wildlife Service	The Wetlands Act and riparian statutes provide authority to manage smaller numbers of units in the particularly sensitive areas they address. In other parts of the CAFRA area, this is an omission which could only be rectified by the Legislature.
136. Condominium developers should be required to conserve open space. (Page 34)	American Littoral Society	Basic Coastal Policy Two, which encourages conservation of open space, applies to all coastal developments. See page 11.
137. In Use Policy 15, height should be based on the prevailing norm. (Page 34)	U.S. Department of Housing & Urban Development	This is incorporated in Use Policy 7.2.8(e) in Chapter Three. See page 134.
138. High density towers do not conserve land when viewed cumulatively. (Page 35)	American Littoral Society	See Use Policy 7.2.8 in Chapter Three on pages 134-135.
139. Motel and hi-rise standards in Use Policy 15 and 16 are too permissive. (Pages 34, 35)	Conservation Society of Long Beach Island	Disagree. Such projects like all development, have to meet Location and Resource Policies as well as the applicable Use Policies.
140. In Use Policy 15, setbacks should be based on potential wave energy as well as roads and parks. (Page 34)	American Littoral Society	This factor, studied by Rutgers Center for Coastal and Environmental Studies under contract to DEP, is now included in the Location Policy for "High Risk Erosion Areas". See pages 50-54.
141. In Use Policy 16, hotels and motels should only be located in non-residential areas. (Page 35)	U.S. Department of Housing & Urban Development	Residential areas are protected from negative effects of hotels and motels by Use Policy 7.2.8 concerning high rises, Use Policy 7.3.4 setting condition for hotel and motel construction, and Resource Policy 8.15 concerning "Buffers and Compatibility of Uses" in Chapter Three. See pages 134, 136 and 160.
142. Hotels and motels induce unacceptable levels of carbon monoxide. (Page 35)	American Littoral Society	This is addressed for all development by Resource Policies on Air and Traffic. See Chapter Three. See pages 157 and 163.

COMMENT	SOURCE	RESPONSE
143. In Use Policy 18, how will concentration and clustering affect dunes? (Page 36)	John Forsythe	Clustering of units should enable a developer to preserve valuable parts of a site, such as dunes.
144. How can you apply clustering to low density housing. (Page 36)	American Littoral Society	This can be accomplished by reducing the size of each lot and putting the remaining area into common open space.
145. The Program should not promote seasonal homes. (Use Policy 18, Page 36)	American Littoral Society	Seasonal homes help promote tourism. One of the possible secondary impacts of their construction, however, is that they may be converted into year-round housing. This potential will be considered in the review of any application to build seasonal homes.
146. There is no legal base for encouraging developments to meet fair share housing standards. (Use Policy 20, Page 36)	New Jersey Shore Builders Assoc.	"Encouraged" is not the same as "required" and is perfectly legal terminology. This policy has been rewritten. See Use Policy 7.2.4 on page 133 in Chapter Three. The determination of "fair share" is the responsibility of the Department of Community Affairs.
147. Use Policy 20 should develop a formula to insure fair share housing. All large residential developments should include low income units. (Use Policy 20, Page 36)	Public Advocate	Same comment as above.
148. Campgrounds are in conflict with transportation. (Use Policy 21, Page 36)	DEP - Green Acres	The problem has been addressed. See page 93 for campground policy. Campgrounds also have to meet all Use and Resource Policy.
149. Terminology should be changed from non prime agricultural land to non prime and non unique farmland. (Use Policy 21, Page 36)	U.S. Department of Agriculture	Upon discussion, this comment was withdrawn by USDA.
150. Use Policy 21 should include access to transportation as a siting criterion. (Page 36)	Atlantic Audubon Society	This is part of the assessment of "Development Potential". See Location Policy in Chapter Three, especially pages 89-94.

COMMENT	SOURCE	RESPONSE
151. Use Policy 21 should include valuable and unique wildlife habitats. (Page 36)	DEP - Division of Fish, Game & Shellfisheries	Although this policy is no longer included, wildlife habitats are addressed by Policy 6.4.8 of the Special Lands Area Location Policy in Chapter Three. See page 62.
152. Use Policy 22 should - prohibit lagoon development. (Page 37)	American Littoral Society	Agreed. See Use Policy 7.2.1 in Chapter Three on page 132.
153. There are many locations where lagoon construction is sound. (Use Policy 21, Page 37)	New Jersey Shore Builders Assoc.	Disagree. Lagoon development requires unnecessary damage to sensitive natural features for development which could be located in many other places.
154. Barrier free design should exist at all levels of development. (Use Policy 23, Page 37)	DEP - Green Acres	This policy has been changed to require barrier free design in all public areas. The added cost of such design is the reason it is required in dwelling units in only larger projects. (See page 133.
155. The Use Policies should provide full access to the public. (Use Policy 23, Page 37)	Natural Resources Defense Council	Agreed. See Resource Policy on "Public Access to the Shorefront" on page 158 in Chapter Three.
156. Need to include water dependent use sentence. (Page 37)	American Littoral Society	This has been addressed by Use Policy 7.3.1 giving priority for waterfront sites to recreation. See page 135.

PARKS AND RECREATION

157. What type of buildings are implied for recreational areas? (Use Policy 24, Page 37)	American Littoral Society	Buildings which enhance the recreational experience and are consistent with the other Coastal Policies.
158. Clarify developers responsibility to demonstrate use is not practicable. (Use Policy 25, Page 37)	American Littoral Society	Developers proposing to build on waterfront sites must show that they have examined and proved infeasible, recreational use of the site.
159. Use Policy 25 should include specific policy about what will be prohibited. (Page 37)	Natural Resources Defense Council	This is clarified by the "Resort/Recreational Use Policies" in Chapter Three. See Policy 7.3.1 on page 135.
160. Use Policy 25 should not exclude structures for recreational fishing. (Page 37)	DEP - Division of Fish, Game & Shellfisheries	Such structures which meet the conditions in Use Policy 7.3 in Chapter Three are permitted. See pages 135-137 and also Use Policy 7.5.5 on page 147.

COMMENT	SOURCE	RESPONSE
161. In Use Policy 27 change "contain" to "compatible". (Page 37)	American Littoral Society	The intent of this policy is to indicate that industrial development proposed in a site acceptable according to the Location Policies should include within it areas for recreation. The wording of the policy has been changed. See Use Policy 7.3.2 in Chapter Three on page 135.
<u>TRANSPORTATION</u>		
162. Will highway projects not serving existing areas be discouraged? (Page 38)	Public Advocate	Yes. See revised Public Facility Use Policies in Chapter Three on pages 147-148.
163. Use Policy 29 for roads does not respond to incremental growth. (Page 38)	American Littoral Society	The Public Facility Use policies are designed so that the need for a facility and its impacts are considered. See also "Secondary Impacts" Resource Policy in Chapter Three on page 159.
164. Reword Use Policy 29 to encourage road projects to serve developing areas adjacent to settled areas. (Page 38)	U.S. Department of Housing & Urban Development	Disagree. DEP wants to be sure that the construction of a road does not cause an unintentional "developing area".
165. New highways are not synonymous with access. (Use Policy 29, page 38)	American Littoral Society	Use Policy 7.5.4 in Chapter Three has been added prohibiting transportation facilities which block access. See page 147.
<u>INDUSTRIAL DEVELOPMENT</u>		
166. Use Policy 31 includes an escape clause in "industries of benefit". (Page 38)	Public Advocate	The policy has been revised and tightened in language. See Use Policy 2.6.1 in Chapter Three.
167. Effect of the <u>Strategy</u> will be to halt industrial and commercial development in Ocean County.	Manchester Manufacturers Assoc. Asarco Inc.	Disagree. For example, to date, DEP has approved every industrial and commercial development proposed in Ocean County under CAFRA.
<u>MINING</u>		
168. Use Policy 32 should require security for reclamation or upgrading to preexisting condition. (Page 38)	Public Advocate	Acceptable reclamation plans, although not with security deposit, is a condition for approval of mining projects. See Use Policy 7.6.2 in Chapter Three on page 148.

COMMENT	SOURCE	RESPONSE
169. Do not insinuate that no new mines should open because sand and gravel are needed for industry and roads. (Use Policy 32, Page 38)	New Jersey Shore Builders Assoc.	Agreed. Use Policy 7.6.2 sets acceptable conditions for the location of mines. See page 148.
170. Fish and Shellfisheries distribution should be included in subaqueous mining. (Use Policy 32, Page 38)	DEP - Division of Fish, Game & Shellfisheries	This is addressed for all uses in the "Special Water Areas" subsection of Chapter Three. See pages 31-38.

SOLID WASTE AND RESOURCE RECOVERY

171. Use Policy 33 should conform to District Management Plans (Chapter 325) to all applicable standards. (Page 39)	Sierra Club	This will happen as the district plans are developed. See Use Policy 7.5.6 on page 147 and the "Other Programs in DEP" section of Chapter Four on pages 167-170.
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AGRICULTURE

172. Use Policy 35 should include not only active areas, but also fallow and vacant land for future agricultural use. (Page 39)	Cape May Planning Board	The definition of prime farmland has been changed accordingly. See Location Policy 6.4.11 on page 6.5.
173. Use Policy 35 will pull farmland off the open market. (Page 39)	New Jersey Shore Builders Assoc.	Agreed. The policy is intended to lead to the maintenance of more farmland. See page 65.

SHORE PROTECTION

174. Is DEP attempting to to preserve beaches for tourism? (Use Policy 36, page 40)	Speaker at Public Meeting	The beaches are for tourists and state residents. They must also be preserved because of their storm protection function.
175. No guidance as to whether structural/nonstructural shore protection solutions are favored by DEP. (Use Policy 36, Page 40)	Public Advocate	The Shore Protection Use Policies in Chapter Three now explicitly state a preference for nonstructural solutions. See Use Policy 7.8.1 on page 149.

COMMENT	SOURCE	RESPONSE
176. There is no requirement that public funds be limited to beaches that comply with the spirit of public access. (Use Policy 36, Page 40)	Public Advocate	Use Policy 7.8.3(f) in Chapter Three makes the enhancement and protection of public access a requirement for approval of a shore protection. See page 150.
177. Use nonstructural solutions with structural as last resort. (Use Policy 36, page 40)	Cape May County Planning Board Public Advocate American Littoral Society	Agreed. See Use Policy 7.8.1 on page 149.
178. Preference to methods which minimize adverse impact on living marine resources. (Use Policy 36, Page 40)	National Marine Fisheries Service	Use Policy 7.8.3(g) in Chapter Three incorporates this suggestion. See page 150.
179. Nonstructural should include stabilization of dunes with beach grass, sand fences and pedestrian control. (Use Policy 36, Page 40)	U.S. Department of Agriculture	This is now included in the Shore Protection Use Policy 7.8 in Chapter Three. See page 149.
180. How will Rutger's study on Coastal Geomorphology be incorporated into the <u>Strategy</u> ? (Page 40)	DEP - Division of Marine Services	It was used in the formulation of Location Policies for "High Risk Erosion Areas", "Dunes", and the "Shore Protection" Use Policies in Chapter Three. See pages 50, 54, and 149.
181. Stronger policy concerning adverse economic, as well as environmental, effects of shore protection projects must be developed. (Page 40)	Marine Trades Association	Economic factors are considered. See the conditions in Use Policy 7.8.3 in which new shore protection structures would be acceptable, especially (b) and (c) on page 149.

RECREATIONAL BOATING

182. Pollution and fuel conservation should be written into policies. (Page 40)	League of Women Voters Atlantic Audubon Society DEP - Bureau of Air Pollution Control	The policies for recreational boating have been rewritten. Facilities for sail and oar boating are given preference over facilities for motor boats because of concern for both water and noise pollution, and conservation of fuel. Also, all marinas are required to have pump out stations. See Use Policy 7.3.6 (c) and 7.3.7 on page 137.
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COMMENT	SOURCE	RESPONSE
183. What happens when marina expansions are not economically feasible? (Page 40)	American Littoral Society	They will not be approved. Construction of new or expanded marinas must meet the Location Policies as well as Use Policies 7.3.6 - 7.3.10 in Chapter Three.
184. Recreation boating should be directed towards sail and oar since hydrocarbon emissions from motor boats cause pollution. (Page 40)	DEP - Division of Environmental Quality	Agreed. Use Policy 7.3.7 has been added to Chapter Three. See page 137.
185. Has DEP relaxed marina building status? (Page 40)	Yacht Club Owner	The Coastal Program provides a statement of policy for siting marinas which will help clarify where marinas can and cannot be built. See Use Policy 3.6 in Chapter Three.
186. A policy encouraging expansion of existing marinas is essential, but environmental restraints, such as a complicated permit procedure, inequitable taxation, and lack of growth capital presently restrain that development which is being encouraged. Growth of private marinas should be encouraged over public marinas. (Use Policy 38, page 40)	Marine Trades Association	Questions of inequitable taxation and growth capital are outside the jurisdiction of DEP. The formulation of a common set of policies in the Segment should make the permit procedure simpler. DEP believes in encouraging public marinas to expand recreational benefits for all N.J.'s residents. See Policies 7.3.6 - 7.3.10 on pages 136-137.

PORTS AND COMMERCIAL BOATING

187. Does Use Policy 40 require improved access to marinas? (Page 40)	American Littoral Society	Yes. See Use Policy 7.3.6(b) on page 137 and Resource Policy 8.12 on page 158 in Chapter Three.
188. How long in time does "foreseeable" mean in the Statement, "Non water dependant development in port areas shall be permitted to the extent foreseeable..." (Use Policy 40, Page 41)	American Littoral Society	The phrase has been omitted. See Use Policy 7.7.1 in Chapter Three on page 149.

COMMENT	SOURCE	RESPONSE
<u>DREDGING AND DREDGE SPOIL DISPOSAL</u>		
189. Demonstrate viability before encouraging dredging projects. (Page 41)	National Marine Fisheries Service	This is the intent of the dredging policy. See Location Policies 6.3.8.5 and 6.3.8.6 in Chapter Three on page 47.
190. Good quality spoils can be used to restore wetlands. (Page 41)	League of Women Voters	More information is needed on this idea.
191. Descriptions of benthic habitat should be included. (Page 41)	DEP - Division of Fish, Game & Shellfisheries	This has been included in the "Water Areas" Location Policies in Chapter Three. See pages 24-50.
192. Dredging of shallow areas and changing eutrophic characteristics should be discouraged. (Page 41)	DEP - Division of Fish, Game & Shellfisheries	This is the intent of the dredging policies, particularly Location Policy 6.3.8.6(d) in Chapter Three. See page 47.
193. CLAM is not explained in Use Policy 42. (Page 41)	DEP - Division of Fish, Game & Shellfisheries	The dredging policy has been totally reorganized and reworded. See page 47.
194. Land disposal should not be encouraged for highway grading; pilings should be used. (Page 41)	American Littoral Society	This issue will be addressed on a case by case basis depending on applicable construction standards.
195. Without development of dredge spoils areas, New Jersey's dredging needs will remain unfilled and the state's waterways will continue to deteriorate. (Page 41)	Marine Trades Association	Dredging is conditionally acceptable or encouraged in certain areas. See Water Acceptability Table on page 45, and policies on page 47.
196. A concerted effort must be made to locate and develop spoils areas physically and economically accessible to the public and private sector. Investigation of alternative dredging methods must be pursued. (page 41)	Marine Trades Association	The Location Policy of New Dredging is intended to encourage private as well as public investigation of such alternatives. See page 47.

COMMENT	SOURCE	RESPONSE
<u>SEWERAGE</u>		
197. Drainage to discharge of sewerage should conform to all applicable effluent and water standards, rules and regulations and permit applications. (Use Policy 47, Page 42)	Sierra Club	This is required by law and is implicit particularly in the "Other Programs in DEP" section of Chapter Four. See pages 167-170.
198. Facilities with excess capacity and interceptor lines should be prohibited across low density areas. They cause new development and secondary impacts. Only facilities needed for polluted areas should be authorized. (Page 42)	Public Advocate	This has been addressed by the "Secondary Impacts" Resource Policy in Chapter Three. See pages 159-160.
199. Why is the aquifer/water supply issue not addressed in Use Policy 45 and 46. (Page 42)	National Resources Defense Council	This issue is now addressed in the Resource Policies in Chapter Three on Surface Use and Groundwater Use. See page 152.
200. Use Policy #46 should change "once" to "if". (Page 42)	DEP - Division of Fish, Game & Shellfisheries	This policy has been reworded, using the words "provided that" instead of "once" or "if". See Use Policy 7.5.11 in Chapter Three on page 148.
201. Use Policy 45 is contrary to DEP's policy of regional sewer systems. (Page 42)	New Jersey Shore Builders Assoc.	Disagree, If on-site systems can be built in conformance with all Coastal Policies they may enable development without causing environmental harm. See Use Policy 7.5.10 on page 148.
202. Who defines "inadequately" in "inadequately-treated" sewage? (Use Policy 47, page 42). Who will monitor the discharges?	Stephen Gabriel Ocean City Resident	Sewage discharge is regulated by the Division of Water Resources.
203. Will water quality testing be required during dredging as seems to be implied in Use Policy 42? (Page 41)	American Littoral Society	Yes, sometimes. The Division of Water Resources sets standards for Water Quality Certificates which may be applicable. The Dredging Policy has been rewritten. See page 47.

COMMENT	SOURCE	RESPONSE
204. Are package waste water treatment systems included under the term "waste water treatment facilities" in Use Policy 44? (Page 42)	American Littoral Society	They are conditionally acceptable. See Use Policy 7.5.10 in Chapter Three on page 148.
205. Referring to inadequately treated sewerage and its disposal: (1) how will the proper set back distance be determined; (2) will it be determined before building, and (3) is it based on soils? (Use Policy 47, Page 42)	American Littoral Society	This question is addressed by Use Policy 7.5.10 which sets stringent standards for a number of factors in terms of ground and surface waters. See page 148.
<u>OCEAN DUMPING</u>		
206. Change "should not" to "will not" in Use Policy 48. (Page 42)	American Littoral Society	The policy has been rewritten to "prohibit" ocean dumping. See Location Policy 6.3.8.8 in Chapter Three on page 48.
<u>LINEAR DEVELOPMENT</u>		
207. Delete use policy 49. It is contrary to all that CLAM represents.	Sierra Club	This "Linear Facility" policy has been rewritten. Such a policy is necessary because such facilities are more difficult to site appropriately than most. See page 131.
208. Please change "these measures include the use of special runoff and erosion control" etc. (Page 43)	U.S. Department of Agriculture	The policy now requires that linear facilities not harm unique or irreplaceable areas and be the available alternative with least impact on sensitive areas. See page 131.
209. Revise - "sensitive areas should not be sacrificed." in Use Policy 49. Proposals should be given needs analysis. (Page 42)	New Jersey Conservation Foundation	Same comment as above.
210. No waiver should be allowed especially for sewers, pipes, or roads. (Use Policy 49, Page 42)	American Littoral Society	Same comment as above.

COMMENT	SOURCE	RESPONSE
211. The document should indicate that non coastal dependant uses will be discouraged. (Page 26)	U.S. Fish & Wildlife Service	The program includes such policies.

SAND DUNES

212. Building on destroyed sand dunes should be prohibited.	Steve Gabriel	This is included, to the extent statutorily permissible, in the Location Policy on "Dunes" in Chapter Three. See page 55.
213. A disaster policy is needed especially for dunes.	DEP - Green Acres	Major disasters are not specifically addressed. The policies on Dunes (page 55) and Shore Protection (page 149) are designed to address normal annual storm threats.

INNOVATIVE DEVELOPMENT

214. More innovative development should be encouraged such as solar, renewable energy, separte potable-non potable water systems, and independent sewerage (Clivus Multrom composting toilet).	DEP - Department of Water Resources Staff	Such activities are included for energy and solid waste. See Use Policies 7.4.15 and 7.5.6 and Resource Policies 8.16 and 8.17 on pages 147, 161 and 162.
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COMMERCIAL FISHERIES

215. More attention should be paid to wise management and utilization of commercial fisheries and associated living marine resources.	National Marine Fisheries Service	This has been incorporated into the Location Policies for water areas in Chapter Three. See pages 31, 32, 33, 34 and 37.
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URBAN AREAS

216. Revitalization of urban areas should be a policy.	Nancy Gahn	It is a major goal of the Coastal Program embodied in the Basic Coastal Policy of concentrating the pattern of development, the Location Policies, and the Resource Policy on "Neighborhoods and Special Communities" on page 162 in Chapter Three.
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COMMENT	SOURCE	RESPONSE
<u>WATER TRANSPORTATION</u>		
217. Water transportation systems should be discussed. (Page 38)	Geothermal Energy Institute	This has been noted in Use Policy 7.5.3 in Chapter Three on page 147.
<u>WETLANDS</u>		
218. What areas are being referred to "limited areas near Atlantic City". This establishes bad variance precedent. This statement should be eliminated. (Page 93)	DEP - Division of Fish, Game & Shellfisheries	This statement, referring to offshore support bases, has been omitted. The policy for such facilities encourages their location outside the Segment and therefore away from Atlantic City. See Use Policy 7.4.3 in Chapter Three on page 140.
219. DEP should preserve wetlands in Atlantic City.	Leo Sterenberg	Agreed. The policy for use of wetlands is consistent throughout the Segment. See Location Policy 6.5.1.2 in Chapter Three on page 69.
220. Are casinos going to be permitted in the wetlands? Be specific as to where casinos will go. (Use Policy 17, Page 35)	DEP - Division of Fish, Game & Shellfisheries	Casinos will not be permitted on wetlands. See Use Policy 7.3.5 on page 136 in Chapter Three for Casino Location Policy.
<u>AIR QUALITY</u>		
221. Atlantic City and other urban areas are non-attainment areas with respect to NAAQS for carbon monoxide. Traffic congestion must be reduced.	DEP - Division of Environmental Quality	Agreed. See Resource Policy 8.19 on Traffic in Chapter Three on page 163.
<u>PUBLIC ACCESS</u>		
222. Change "providing" to "will increase" in Use Policy 17. (Page 35)	American Littoral Society	This concept of public access has been integrated into a Resource Policy applicable to all development. See Resource Policy 8.12 in Chapter Three on page 158.
<u>MARINE SANCTUARIES</u>		
223. Great Bay Mullica Inlet areas should be a NJ Marine Sanctuary.	Ocean County Planning Director	Agreed. DEP-OCZM has intentionally recommended to NOAA that all coastal inlets, specifically including the Great Bay Mullica estuary be considered for designation as a Marine Sanctuary.

COMMENT	SOURCE	RESPONSE
224. Need a category "Marine Recreation Areas."	Ocean County Planning Director	Eight "Special Water Areas" have been included in the Location Policies in Chapter Three.
<u>AREAS FOR PRESERVATION AND RESTORATION.</u>		
225. Document lacks policies and criteria for designating areas for restoration and preservation. (Page 145)	National Marine Fisheries Service	This is now included in Chapter Six on page 196.
<u>GEOGRAPHIC AREAS OF PARTICULAR CONCERN</u>		
226. The Strategy does not specify GAPC designation or strategies for additional designations.	National Resources Defense Council	This is now included in Chapter Six on pages 194-195.
<u>LOCATION POLICIES</u>		
227. Climax in "low disturbance" definition may not be the only useful criteria. (Page 147)	Burlington OCS Task Force	Six variables are to be evaluated to determine the environmental sensitivity of a site. See Section 6.6 of Location Policy in Chapter Three on pages 81-89.
228. Building should not be permitted at the water's edge.	Ruth Fisher	Agreed. See Location Policies for Lower and Upper Water's Edge in Chapter Three.
229. There should be no permitting in virgin areas.	Ruth Fisher	Agreed. See Location Policies for "Specimen Trees", "Prime Forest Areas" and "Prime Wildlife Areas" in Chapter Three on pages 60, 61 and 62.
230. Specially valued water areas should include wildlife habitats i.e. canvasback (LSP) and scaup staging areas (Raritan). (Page 152-153)	DEP - Division of Fish, Game & Shellfisheries	These are included. See "Special Land Areas" and "Special Water Areas" sections of Location Policy in Chapter Three.
231. Where are "sensitive" lands? (Page 135)	American Littoral Society	This is now defined more precisely in the Location Policy in Chapter Three.
232. Will Great Bay Estuary be a Sanctuary with restricted hunting, trapping or fishing? (Page 217)	DEP - Division of Fish, Game & Shellfisheries	The activities in this area are controlled, but not restricted.

COMMENT	SOURCE	RESPONSE
233. Some areas are recognized as valuable areas for preservation. The <u>Strategy</u> should designate those areas from the start. (Page 145)	U.S. Department of Energy	This is the reason development in certain areas is discouraged or prohibited.
234. Please cite examples of preservation, and give definition. (Page 146)	DEP - Division of Fish, Game & Shellfisheries	The term "preservation" is defined in the Glossary on page 313. Examples of different types of sites are provided in the "Using the Location Policies" beginning on page 316.
235. Bogs, aquifer outcrops, and flood hazard areas should be included as preservation areas. (Page 138)	Save Our River Environment (SORE)	Bogs and Flood Hazard areas are now listed as Special Land Areas in Chapter Three. Coastal plain geological formations are hydrologically corrected. It is therefore difficult to single out aquifer outcrop for preservation. Instead, the Segment identifies areas with high soil permeability and low depth to seasonal high water tables development sensitivity factors.
236. CLAM seems oriented to development. Can a non-applicant get a fix on land not suitable for development. (Page 127)	American Littoral Society Sierra Club	The Coastal Program is intended to provide applicants and non-applicants alike knowledge of where development proposals are likely to be approved or rejected.
237. The meaning of disturbance levels is not clear here. (Page 137)	Burlington OSC Task Force	Disturbance is the extent to which development has harmed or destroyed natural vegetation. This section has been thoroughly revised. See Section 6.6 of Location Policies in Chapter Three beginning on pages 81.
238. Definitions of preservation and conservation may not be clear. (Page 47)	DEP - Division of Marine Services	See Glossary beginning on page 310.
239. Sensitivity mapping should be done for the entire coast. (Page 127, 177)	National Resource Defense Council	Agreed. This will be a future activity of DEP. See Chapter Seven beginning on page 197.

COMMENT	SOURCE	RESPONSE
240. CLAM is reactive. Therefore it cannot initiate designations of preservation and restoration.	National Resources Defense Council	The Coastal Program can, and will, provide strong advance indications of the suitability of a site for development, without prejudging an application.
241. The Program has not determined capacity to absorb various densities and quantities of development.	Cape May County Planning Board	DEP has identified "growth areas" on the basis of their ability to accept development. See pages 96-99.
242. The <u>Strategy</u> should encourage industrial development not only in existing developed areas but throughout the State.	Salem County Planning Board	Industrial development can be economically and energy inefficient, as well as harmful to the environment if it is not sited in appropriate areas. Industry in undeveloped areas could, for example, threaten the tourist industry.
243. Is CLAM applicable to linear facilities? (Page 42)	New Jersey Petroleum Council	A specific Linear Location Policy is included in Chapter Three. See page 131.
244. No method or criteria are supplied for industry to determine consistency with state policy.	New Jersey Petroleum Council	The Coastal Program is intended to provide such criteria.
245. Does CLAM delineate residential, commercial, and industrial locations? (Page 127)	Public Advocate	Yes. The Coastal Policies, including CLAM, provide a predictable method for making siting decisions.
246. More weight should be given to sensitivity as opposed to potential, lest the developers take a mile on the inch.	DEP - Green Acres Staff	The Coastal Program balances sensitivity and potential. Each has precedence in certain situations.
247. There is a lot of room to lower sensitivity in making a decision. This is where variance can occur. (Page 142, 143)	Speaker at Public Meeting	The location policies have been tightened and rewritten to minimize the possibility of variances. See Chapter Three.
248. The trade off in sensitivity and potential must be set. Get on with it. (Pages 142, 143)	Speaker at Public Meeting	The Coastal Program has done this. It can be performed on a site by site basis. Carrying this out for the Segment will be a future costly and time consuming step.

COMMENT	SOURCE	RESPONSE
249. When will the Cape May Pilot Study be finished?	American Littoral Society	The Pilot will be printed and distributed for comment in May or June.
250. If you use the proposed process, can you get a feeling for carrying capacity. (Page 205)	American Littoral Society	Yes. Carrying capacity is one factor used in setting sensitivity levels and is reflected in final determination of acceptability for development.
251. All development in Monmouth County east of public roads is opposed.	Monmouth County Environmental Commission	This is consistent with the Coastal Policies for development managed by the Program. See Lower and Upper Water's Edge section of Location Policy in Chapter Three, and Chapter Four.
252. Trade off principles ignore existing environmental problems in developed areas.	Natural Resources Defense Council	Disagree. The Policies, particularly the Air and Water Resource Policies in Chapter Three require consideration of existing environmental problems. See pages 152 and 157.
253. The basis of all CAFRA decisions should be environmental. Where critical natural resources are threatened, no trade offs should be considered.	New Jersey Conservation Foundation	Both state and federal law require the balancing of economic and environmental considerations. The Coastal Program does, however, protect critical natural resources.
254. The Strategy should indicate that non-coastal water dependent uses are destructive to coastal living resource. Inland alternative should be included.	National Marine Fisheries Service	This concept is embodied in Lower and Upper Water's Edge Location Policies in Chapter Three.
255. No consideration of "legitimate economic aspirations of inhabitants of coastal zone" is included.	New Jersey Shore Builders Assoc.	Disagree. This consideration helped shape the Coastal Policies.
256. Wording should be stronger. There are too many qualifiers.	American Littoral Society	The Segment document is an effort to move in this direction.

COMMENT	SOURCE	RESPONSE
257. CLAM is not applicable to urban waterfront. (Page 18)	Hartz Mountain Industries	The Policies in this document will be evaluated by DEP, the County Planning Boards and the public to determine adjustments and major revisions necessary for the rest of the coastal zone. They are not now proposed for the urban waterfront areas outside the Segment.
258. Cape May is changing quickly. Rural and recreation both contribute to the quality of life.	Citizens Assoc. to Protect Our Environment	Agreed.
259. The inventory and data validation program are important to settle disputes.	Public Advocate	Noted.
260. We are disappointed that "potential" study has not been completed.	New Jersey Shore Builders Assoc.	DEP-OCZM is now preparing a scope of services for a contract for this study.
261. Specific constraint and potential should be stated more succinctly. (Page 127)	League of Women Voters	In the Segment, DEP has totally reorganized and rewritten the Coastal Policies to be more clear and succinct. See Chapter Three.
262. Existing CLAM explanation hinders complete understanding. (Page 127)	Atlantic County Executive	The explanation has been completely rewritten. See Location Policies in Chapter Three.
263. CLAM should include a mechanism to evaluate cumulative impact of many developed areas. (Page 44)	National Resources Defense Council	See the Secondary Impact Resource Policy on pages 159-160.

PERFORMANCE STANDARDS

264. Does the encouragement of shorefront access apply to federal property? How will it be implemented? (Performance Standard 1, Page 49)	U.S. Department of Transportation	Federal land is not in the coastal zone. Access will be a criteria for determining consistency of federal actions with the Program. See Federal Consistency section of Chapter Five beginning on page 186 and "Public Access" Resource Policy on page 158.
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COMMENT	SOURCE	RESPONSE
265. Reference should be made to the historic identification plan, or the existing inventory. (Performance Standard 3, Page 50)	DEP - Green Acres	This is noted in Location Policy 6.4.5 in Chapter Three on page 60.
266. The prescription for late successional forest trees might not be the optimum type of vegetation on parts of barrier islands or in the Pine Barrens. (Performance Standard 4, Page 51)	Burlington OCS Task Force	This reference has been omitted.
267. Rare vegetation and fauna can be nurtured in improved environments under public/private ownership. (Performance Standard 4, Page 51)	Burlington OCS	The Resource Policy on "Vegetation" addresses this issue. See pages 155-156.
268. Planting of new vegetation by coastal developers should be limited to <u>indigenous</u> vegetation. (Performance Standard 4, Page 51)	American Littoral Society	Resource Policy 8.8.1 in Chapter Three suggests planting of "appropriate native coastal species." A developer is left the option to experiment, having been warned that "non-suitable species plantings will do poorly or die". See pages 155-156.
269. Performance Standard 5 should be titled "Fish, shellfish and wildlife management." Also hunting, trapping, fishing & shellfish should be added. (Page 51)	DEP - Division of Fish, Game & Shellfisheries	This has been broken into "Prime Wildlife Habitats" under Special Land Areas on page 62 and several sections of Special Water Areas in Chapter Three. See pages 31-39.
270. Performance Policy 6 should state that coastal development will restrict soil loss during construction as required under the "Soil Erosion and Sediment Control Act, Chapter 251, PL 1975". (Page 51)	U.S. Department of Agriculture	This has been included in Resource Policy 8.7 in Chapter Three on page 154.

COMMENT	SOURCE	RESPONSE
271. Public access should not be improved for areas with fragile resources that are already being threatened. (Performance Standard 1, Page 49)	American Littoral Society	Agreed. The Location Policies on beaches (page 55, 71) in concert with the Resource Policy or Public Access (page 158) address this concern.
272. Only 10% of a site for vegetation seems to be a low requirement. (Performance Standard 4, Page 51)	American Littoral Society	The percentage varies depending upon the intensity of development appropriate for the site. See Figure 19 in Chapter Three on page 119.
273. How and by whom will "anticipated demand" be determined with regard to water use. (Performance Standard 8, Page 52)	American Littoral Society	This will be considered by DEP on the basis of all available information and informed judgement. See page 152.
274. Once through cooling should not be permitted in an estuary, because most larvae development and physiological systems of aquatic life are highly dependent on proper temperature. (Performance Standard 10, Page 53)	American Littoral Society	This is addressed by Location Policy 6.3.8.17 regarding Effluent Release. See page 49.
275. The use of micro climate analysis and latest planning principles will rarely be a lower cost to builder as stated. (Performance Standard 12, Page 54)	American Littoral Society	In the long run, it will be a lower cost for the tenant and should therefore improve the builder's bargaining position. The sentence, in any case, has been removed. See Resource Policy 8.17 in Chapter Three on page 162.
276. Attempts to generate two growth subcenters rather than non-nodal dispersed growth should be made. (Performance Standard 14, Page 55)	American Littoral Society	See discussion of "growth" and "limited growth" areas in Chapter Three on page 96-99.
277. Soil erosion standards are too restrictive - more so than Chapter 251. (Performance Standard 6, Page 51)	N.J. Department of Agriculture U.S. Soil Conservation Service	They are now consistent with Chapter 251, P.L. 1975. See Resource Policy 8.7 in Chapter Three on page 154.

COMMENT	SOURCE	RESPONSE
278. Change Performance Standard 6 to "special precautions shall be taken to avoid contamination of surface and groundwater." (Page 51)	U.S. Department of Agriculture	The runoff policy has been totally rewritten. See Resource Policy 8.6 in Chapter Three on page 153.
279. Mainland coastal development should not increase the amount of runoff. Detention areas should be maintained by the municipality. (Performance Standard 7, Page 52)	Sierra Club	That is the thrust of the Policy noted above.
280. The Pine Barrens must be protected to insure future water supply. Ocean County should consider future resources before allowing further development. (Performance Standard 8, Page 52)	Joint Council of Taxpayers	Noted. Most of the Pine Barrens is <u>not</u> in the Bay and Ocean Shore Segment.
281. What is "unacceptable disturbance"? Who determines criteria? How is cumulative impact to be handled? (Performance Standard 8, Page 52)	Sierra Club	This policy has been rewritten. See page 152.
282. The Raritan River from Victory Bridge to Fieldville Dam and South River to Duhernal Dam should have policies determined by their water quality. (Page 52)	Middlesex 208 Agency	This will be addressed in the program for the rest of Coastal Zone to be completed in late 1978.
283. In Performance Standard 9, after effluent, insert "and water quality". (Page 53)	Sierra Club	This idea is incorporated by Resource Policy 8.3 in Chapter Three which states that all coastal development must conform with all applicable water quality standards.

COMMENT	SOURCE	RESPONSE
284. Conflict between Performance Standard 9 and applicable effluent standards (section 307 of P.L. 92-500) is presenting a problem. The policy also preempts P.L. 94-469 Toxic Substance Control Act. (Page 53)	Public Service Electric & Gas Company Marine Trades Association	The conflicts are not apparent. See effluent policy in Chapter Three on page 49.
285. How will toxic substances be defined? (Performance Standard 9, Page 53)	New Jersey Petroleum Council	They have been defined by DEP's Division of Environmental Quality and the Glossary on page 315.
286. Performance Standard 10 is vague. (Page 53)	Public Service Electric & Gas Company	See Water Acceptability Table on page 45 and policies on following pages for greater detail.
287. Buffers should be required on areas adjacent to state wildlife management areas where hunting is permitted to eliminate breach under Title 23 (prohibits hunting within 450 feet of dwelling). (Performance Standard 11, Page 54)	DEP - Division of Fish, Game & Shellfisheries	This is one possible application of Resource Policy 8.15 on page 160.
288. The <u>Strategy</u> must address air regulations specifically and discuss their implications. It is not enough to incorporate by reference. (Performance Standard 13, Page 55)	New Jersey Petroleum Council	The Program does now discuss the implication, but inclusion of the regulations is not considered necessary. See Resource Policy 8.10 in Chapter Three on page 157.
289. CO and photochemical chemical oxidants, non-attainment areas may conflict with Basic Coastal Policy 2. (Performance Standard 13, Page 55)	DEP - Bureau of Air Pollution Control Pandullo Quirk Associates	The Basic Coastal Policy is that development, meeting other requirements, should be built in a concentrated pattern. A proposal unable to meet air standards cannot be built. This issue is addressed in the Conflict Resolution - Appeals section of Chapter Four. See pages 174-175.

COMMENT	SOURCE	RESPONSE
290. Add - "in this CAFRA strategy" to Performance Standard 15, Page 56)	American Littoral Society	This policy has been rewritten. See Resource Policy 8.14 in Chapter Three on page 159.
291. Add - All CAFRA applications shall include secondary impact information and analysis of secondary impact. (Performance Standard 15 Page 56)	Sierra Club	This has been added to the rewritten policy noted above.
292. Endangered/threatened species and marine mammals conservation and preservation of endangered species should be discussed. (Performance Standard 30)	National Marine Fisheries Service	They are addressed in various sections of Chapter Three. See pages 31, 32, 33, 34, 37, and 62.
293. Noise standards are omitted in determining acceptable development. (Performance Standard 14)	U.S. Environmental Protection Agency U.S. Department of Transportation	Noise is addressed in the Resource Policy on "Buffers and Compatibility of Uses" in Chapter Three on page 160.
<u>MANAGEMENT SYSTEM</u>		
294. CAFRA should develop policing mechanism (fines, revoke permits, etc.) (Page 57)	Public Advocate	Such a system already exists through the Riparian Lands inspectors, Marine Police, Coast Watch Program of the American Littoral Society and the enforcement of the Attorney General. Approval of the Coastal Management Program will make New Jersey eligible for additional funding for enforcement activities. Such activities are not fundable in the planning stage.
295. The Strategy has an array of policies, but DEP still has discretion to grant permit.	Public Advocate	Some administrative discretion is inevitable, but the <u>Segment</u> document substantially tightens the policies. Their adoption as rules and regulations, described in Chapter Three and Four, will further limit discretion.

COMMENT	SOURCE	RESPONSE
296. The <u>Strategy</u> is deficient in that it fails to demonstrate that the OCZM has the requisite authority to exercise the degree of control required by federal law to administer an effective coastal zone management program.	New Jersey Petroleum Council	Disagree. Chapter Four describes the Management System DEP will use to carry out the program. This system does comply with the "Direct State Approach" to decision making under the federal Coastal Zone Management Act.
297. Must develop new system for sharing review of permit decisions with local governments.	Jersey City Planning Director	Local governments are asked to review permit applications. The 1978 DEP contract with coastal counties, including Hudson, specifically requires that these county governments review coastal permit applications, and also submit recommendations for administrative or legal changes in the State-county-municipal decision making process.
298. Use procedure for issuing "orders to show cause" (Page 61)	Public Advocate	DEP already uses appropriate administrative and judicial orders to enforce coastal regulations.
299. CAFRA could never deny a permit on the basis of air quality. (Page 55)	New Jersey Shore Builders Assoc.	Disagree. DEP must be able to find that a proposal would "prevent air emissions ... in excess of ... capacities of the ... site and within the surrounding region. (CAFRA Section 10b). See page 296.
300. The fact that CAFRA cannot regulate coastal development with less than 25 housing units is a weakness. (Page 64)	American Littoral Society	Agreed, but the Wetlands Act and riparian statutes do give DEP authority to manage the siting of smaller projects in those particularly sensitive areas.
	Monmouth County Environmental Commission	
	U.S. Fish & Wildlife Service	
	National Resources Defense Council	
	Cape May Board of Health	

COMMENT	SOURCE	RESPONSE
301. DEP should not delegate CAFRA permit authority to counties and municipalities. (Page 69)	Public Advocate Society for Environmental and Economic Development (SEED)	DEP has asked for local review and comment, but has retained decision making authority. Legislative action would be necessary to delegate the the decision making.
302. The <u>Strategy</u> as reflected by CAFRA's record of four denials and many approvals is too permissive. (Page 159)	Monmouth County Environmental Commission	To responsibly assess the "permissiveness" of the Coastal Program, one should evaluate the decisions themselves, rather than the eighteen denials to date under CAFRA.
303. The National Marine Fisheries Service should be involved in preapplicaiton conferences.	National Marine Fisheries Service	DEP does involve appropriate federal agencies at pre-application conferences, when appropriate.
304. Strengthen Plenary Hearing and abandon Coastal Area Review Board. (Page 159)	Public Advocate	The Review Board was established by the Legislature in CAFRA and could be modified or abolished only by them.
305. Can the pre-application conference establish approval or disapproval.	New Jersey Shore Builders Assoc.	DEP can and does give a preliminary indication in writing to the applicant after the pre-application conference. DEP must retain the right to modify that judgement on the basis of the complete application and public hearing.
306. Review of a specific proposal may result in a variance with the <u>Strategy</u> . (Page 24)	American Littoral Society	This is not the intent. The proposed adoption of Chapter Three as regulations will minimize the likelihood of variance.
307. Arthur Kill has special water quality problems. Granting of riparian permits should reflect environmental standards. (Page 64)	Middlesex - 208 Agency	This will be addressed in the program to be prepared for the rest of the coastal zone in late 1978.
308. The National Resource Council cannot function without a design scheme as mandated by CAFRA (13:19-1) which is not fulfilled by Strategy. (Page 64)	Vivian Li	One of the purposes of the Coastal Program is to provide such a statement of direction for riparian decision-making. See page 19.

COMMENT	SOURCE	RESPONSE
309. DEP does not have an overall riparian land policy. It only reacts to individual applications. (Page 64)	Hartz Mountain Industries	Chapter Three of the <u>Coastal Program</u> provides overall policy for riparian lands in the Segment.
310. Wetland/Riparian are not sufficient to manage activities outside the CAFRA area, since their authority ends at mean high water, which is not acceptable. (Page 64)	National Resources Defense Council	This will be addressed in the Program for the rest of the Coastal Zone to be prepared during 1978.
311. Wetlands/riparian should be kept separate. They do not do what's needed to manage the coastal zone. (Page 64)	Public Advocate	Same comment as above.
312. Will Wetlands denials be reviewable by CAFRA? (Page 64)	Delaware River Basin Commission	A wetlands permit decision can be appealed to the DEP Commissioner and then to the Courts.
313. Consolidate state permit programs into a single Coastal Permit Agency. (Page 64)	SEED Middlesex - 208 Agency Viking Marina - Marine Trades Association	The publication of a single set of coastal policies for the three programs in this document is a major step in this direction.
314. Aquifer recharge areas should be considered and coordinated exclusively by the Division of Water Resources. (Page 64)	Burlington OCS Task Force	To make responsible coastal decisions and to fulfill the mandate of CAFRA (Section 10a and 10d), the Coastal Program must consider recharge areas. Its activities will, however, be closely coordinated with the Division of Water Resources which is part of the same Department.
315. Water Pollution Control Act and Water Quality Act will require all DEP permits to be consistent with these laws. (Page 64)	DEP - Division of Water Resources	Agreed.

COMMENT	SOURCE	RESPONSE
316. Do new state water quality acts serve to meet Federal CZMA requirements? (Page 63)	National Resources Defense Council	The new state acts are not relied upon to meet the federal Coastal Zone Management Act requirements. See page 168 in Chapter Four. As rules and regulations are developed for the acts, they will be more formally integrated into the Coastal Program Management System.
317. Is the Pinelands pipeline exclusion area in the same as the Division of Water Resources critical areas? (Page 28)	Burlington OCS Task Force	Yes, they are synonymous. See the revised map on page 143.
318. There are other areas in the Pinelands besides exclusion areas that are as critical and as worthy of preservation. They should be identified. (Page 29)	New Jersey Conservation Foundation	These areas are not in the coastal zone, and are being addressed by the Governor's Pineland Commission.
319. A two tier local-state permitting system as in the Virgin Islands should be considered. (Page 63)	U.S. Environmental Protection Agency	This is not feasible under current New Jersey laws. Under the state-county contract, however, the desirability and feasibility of administrative or legal changes in the decision making process will be explored.
320. The Office of Shore Protection is the lead agency for beach erosion programs and can conflict with Coastal Policies. (Page 64)	American Littoral Society	The Coastal Program has been written with the concurrence of, and will be followed by, all parts of the Division of Marine Services, including the Office of Shore Protection.
321. How is DEP coordinating its agencies?	Vivian Li	Most coastal decisions are made by the Director of the Division of Marine Services. See Chapter Four.
322. The <u>Strategy</u> should address the need for compensation when development is allowed and fishery habitat is lost. (Page 64)	National Marine Fisheries Service	The issue of economic harm, as well as benefit, must be considered as a possible impact of some development. the Resource Policy on "Secondary Impacts" in Chapter Three states that probable secondary impacts must be considered part of all development applications. See page 159.

COMMENT	SOURCE	RESPONSE
323. The creation of multiple land use controls is anti-business. There is rising uncertainty as to land ownership.	New Jersey Chamber of Commerce	The Coastal Program adds no new controls. By presenting written policies for existing programs, it will lessen uncertainty and increase coordination of existing programs. Also, by considering development potential, as well as environmental sensitivity, the Coastal Program will help guide developers to suitable sites where permit approvals are likely.
324. DEP should not control land use. DCA, DOE, and DOT should be more involved. (Page 64)	New Jersey Chamber of Commerce	DEP, along with the other agencies, has been given land and water use regulatory powers by the Governor and Legislature.
325. Will other state agencies cooperate with the Program? (Page 64)	National Resource Defense Council	Yes.
326. The <u>Strategy</u> does not cite other laws which makes the implementation of some policies possible. (Page 64)	Sierra Club	Agreed. The Coastal Policies and Management System Chapters (Three and Four) have been revised to include references to other relevant laws.
327. DEP should have a memo of understanding with other agencies. (Page 64)	National Marine Fisheries Service	While the DEIS is being publically reviewed, DEP will evaluate the need for such memoranda. A draft of such a memo between DEP and the Department of Energy is included in Appendix J beginning on page 277.
328. What is the relationship and conflict resolution mechanism between DEP & DOE. (Page 64)	Bureau of Land Management Public Service Electric & Gas	This is now spelled out in the "Department of Energy" subsection of Chapter Four on page 170 and in Appendix J on page 277.
329. The document should indicate that the Hackensack Meadowlands Development Commission is exempt from the Wetlands Act. (Page 19)	U.S. Fish & Wildlife Service	Issues related to the HMDC will be addressed in the Coastal Program for the rest of the coastal zone, to be completed in late 1978.
330. State reviews should not duplicate, and should be limited to those items not already handled by the federal regulatory process.	Public Service Electric & Gas Company	As recognized by Congress in the federal CZMA, states have distinct knowledge and interests which should be expressed. When this does lead to multiple agency review, DEP will try to coordinate review procedures, including when possible a joint public hearing.

COMMENT	SOURCE	RESPONSE
331. The make-up of the Energy Facility Review Board is not broad enough to provide complete input. (Page 64)	Public Service Electric & Gas Company	The Board was formed by the Legislature in the Department of Energy Act.
332. The Strategy favors decision-making at the lowest practicable level of government, which is not always desirable if a project would benefit all N.J. residents, and then contradicts itself by requiring State concurrence with locally approved proposals. (Page 62 and 70)	Public Service Electric & Gas Company	The management system of the Coastal Program is consistent with the belief that the state should have a role in the siting of a coastal facility which could bring major economic benefit and/or a major environmental cost. The lowest "practicable" level for such a decision is the State.
333. Does the N.J. Department of Energy have responsibility for any long range energy plan supported by permits?	U.S. Department of Energy	The N.J. Department of Energy is required to prepare a ten-year master plan for the production, distribution, consumption, and conservation of energy in the state. The Department is also considered to be part of any permit decision-making by state agencies concerning energy facilities, but it does not exercise its own permit program concerning energy facility siting. See Department of Energy section of Chapter Four on page 170.
334. What legal basis supports such words as "will be encouraged" or "to the maximum extent possible" or "in a manner that respects the built and natural environment of the coastal zone".	U.S. Department of Energy	The statutory findings under Section 10 and 11 of CAFRA which, invests the Commissioner of DEP with broad discretion to make positive findings before a permit may be approved, provide a basis for these phrases. See Chapter Four, especially pages 164-167.
335. The state must coordinate more closely with the Fishery Management Council.	Mid-Atlantic Fishery Management Council	References to the Council has been added to the Management System Chapter (see page 173) and to DEP's future plans (see page 198).

COMMENT	SOURCE	RESPONSE
336. Where legislation exists to protect sensitive areas or manage development, the policies should refer to existing supportive statutes and at a minimum reflect the intent of these statutes.	Association of New Jersey Environmental Commission	References to such other authorities has been added, particularly in Chapter Four. See pages 167-173.
337. State must provide governing officials of coastal municipalities with clearer definition of how they can incorporate <u>Strategy</u> policies into local ordinances.	Association of New Jersey Environmental Commissions	Agreed. The clearer statement of policies in this document, and DEP's contracts with coastal counties are steps in this direction.
338. Final decisions on development in the CAFRA area should not be made exclusively by an agency with the special environmental and park outlook of DEP.	Regional Plan Association	The staff in DEP's OCZM includes a geologist, economist, landscape architects, planners with experience in topics ranging from energy facility siting to development of new towns to health and education, who have had experience in private industry and government agencies.
339. Give attention to elements totally ignored here that will shape development patterns e.g. offices, shopping.	Regional Plan Association	Office buildings and shopping centers are not included in the list of facilities under CAFRA unless they require more than 300 parking spaces.
340. The <u>Strategy</u> , as amended, should be adopted as rule by reference in its entirety and used in all rulings which bear a direct and significant impact on the coastal zone.	Association of New Jersey Environmental Commission Regional Plan Association	Agreed. DEP has formally proposed adoption of Chapter Three as a rule in the May 1978 <u>New Jersey Register</u> . See page 19.
341. The goals should be better coordinated with other land use guidance programs such as DCA, DOT, Agriculture, DOE and DLI.	New Jersey Chamber of Commerce Regional Plan Association	They have been coordinated, and they appear consistent. See appropriate sections of Chapter Four on pages 171, 172, 171, 170, and 172.

COMMENT	SOURCE	RESPONSE
342. There should be a basic coastal policy assuring consistency with the State Development Guide Plan.	U.S. Department of Housing and Urban Development	Such consistency has been addressed by DEP through review of the Guide Plan and meetings with DCA and HUD officials. It was not felt necessary to include it as basic policy. See pages 171-172.
343. How much coordination is there between DEP-OCZM and Pine Barrens, Wild & Scenic Rivers, and Natural Preservation? (Page 213)	Rutgers - Center for Coastal and Environmental Studies	There is mutual sharing of planning documents and consultation on specific decisions affecting the jurisdiction of more than one program.
344. DEP-OCZM has failed to establish coordination with the Mid-Atlantic Regional Fisheries Management Council.	National Marine Fisheries Service	DEP-OCZM has been in contact with the Council. The Segment document includes the Council as one of the "Regional and Interstate Agencies" in Chapter Four on page 173.
345. DEP-OCZM should coordinate with existing city plans on expansion of waterfront programs.	League for Conservation Legislation	This comment refers largely to the area outside the Bay and Ocean Shore Segment. It will be part of DEP's activity later in 1978, particularly through the State-County contracts.
346. First line review responsibility should be with the local government. CAFRA should be the second line.	New Jersey Conservation Foundation	The present system cannot be changed without an act of the Legislature. DEP encourages early coordination with the Coastal Program so that potential developers still have the flexibility to more easily revise their plans to be consistent and approvable under the Program.
347. Should there be an interstate coastal agency?	Lawley Engineering	NOAA-OCZM at the federal level and informal working relationships between states fill this function. An additional level of bureaucracy does not seem necessary.
348. Tri-State should be recognized for assessing consistency between plans financed by HUD, DOT and CZM. (Page 70)	Tri-State Regional Planning Commission	Such recognition has been added to the "Regional and Interstate Agencies" section of Chapter Four. See page 173.
349. There is a conflict between the <u>Strategy</u> which recommends concentration in built up areas and current municipal master plans do not.	Save Our River Environment (SORE)	Development managed by the Coastal Program will require both state and local approvals. DEP plans to work with county and municipal governments to encourage local understanding, acceptance and adoption of the Coastal Policies.

COMMENT	SOURCE	RESPONSE
350. Local zoning might be adequate to protect the coastal zone.	Pureland Industrial Complex	Many individual local decisions created a pattern of development which led the public and Legislature to conclude a state role is necessary. Local zoning often cannot address issues of regional or statewide significance.
351. If a municipality requires single dwelling units and the state requires clustering, how is this resolved by a developer.	New Jersey Builders Assoc.	Because of this potential conflict, the Coastal Program encourages rather than requires, clustering. DEP expects to undertake a study in 1979 and work with municipalities to explain the benefits of clustering.
352. Include tourists in the decision making process.	American Littoral Society	DEP has attempted to involve tourists by scheduling summer public meetings and displays at county fairs. Their general concerns are addressed by the emphasis in the Coastal Program on support for the tourism industry.
353. Will OCZM mapping be consistent with municipalities under the Municipal Land Use Law? (Page 69)	Department of Community Affairs, Division of State and Regional Planning	DEP will review the scope of services for the mapping contract with DCA staff.
354. What would happen if a municipality would ask for planning aid?	Speaker at Public Meeting	Under an approved Coastal Program, DEP will be able to provide planning assistance to any municipality with an approved Coastal Program. DEP may be able to pass through funds to specific municipalities for a particular task.
355. DEP must begin to educate the municipalites as to what powers the state has. (Page 69)	Atlantic County Executive	Agreed. DEP-OCZM's publication of "Coastal Zone Legislation" and "State Government and Coastal Zone Management" were steps in that direction.
356. There must be a strong county role in coastal decision making.	Middlesex County Planning Board	Agreed. DEP has continued a contract with coastal counties to provide county input to planning and to explore options for the future state-county relationship.
357. The Coastal Program should consider the local implementation option.	League of Women Voters Jersey City Planning Director	This option, provided by the federal CZMA, is not feasible under current New Jersey law.

COMMENT	SOURCE	RESPONSE
358. The lack of state override of municipal decisions is a weakness of the program. (Page 69)	New Jersey Petroleum Council	It is true that the state cannot override municipal decisions except for public utilities. See "Regional Benefit Decisions" in Chapter Five on pages 192-193.
359. The statement on page 63 that "local government will be urged to respect the CMS policies" should be stronger. (Page 63)	New Jersey Petroleum Council	For development managed by the Program, State and local approval is required. For others, where only local approval is necessary, DEP can only offer its policies as advice under current state law.
360. There must be a demonstration of municipal and county cooperation before CLAM can work. (Page 207)	New Jersey Shore Builders Assoc.	Such cooperation is a goal of DEP, but DEP can apply the policies for its own decisions while it seeks their acceptance at a local level.
361. There is no effort in the document to coordinate with other State CZM departments.	National Marine Fisheries Service	This coordination does take place, particularly with neighboring New York, Pennsylvania and Delaware.
362. It should be stated clearly that all federal lands are exempted from coastal management planning.	U.S. Navy	It now is. See "Excluded Federal Lands - Segment" section of Chapter Two.
363. It should be stated that federal agencies will determine consistency with state programs. (Page 77, 71)	U.S. Air Navy	See Appendix G: Excluded Federal Lands on pages 264-265.
364. State review process for federal consistency should use A-95 process.	U.S. Air Force	Agreed. It will be used whenever possible. See "Federal Consistency" section of Chapter Five, especially page 190.
365. A more detailed discussion of federal consistency is necessary.	U.S. Department of Agriculture	This has been added and now appears in the "Federal Consistency" section of Chapter Five on pages 186-192.
366. Omit the words "major federal actions" in the federal consistency section, it has the connotation of EIS. (Page 71)	U.S. Department of Agriculture	This whole section has been expanded and rewritten. See "Federal Consistency" section of Chapter Five on pages 186-192.

COMMENT	SOURCE	RESPONSE
367. Coast Guard authority for commercial vessel safety and port safety should be listed as a federal action. (Page 220)	U.S. Department of Transportation	This is not an activity DEP wishes to review for consistency with the Coastal Program. It therefore is not listed in the "Federal Consistency" section of Chapter Five.
368. When will the list of Federal permits and licenses which require certification be available for review. (Page 71)	U.S. Fish & Wildlife Service	It is now included in the "Federal Consistency" Section of Chapter Five on pages 186-192.
369. National Defense and Security should be listed as a use policy.	U.S. Navy	"Uses" are activities for which people will apply for a permit. The Coastal Program recognizes the national interest in Defense in the "National Interests" Section of Chapter Five. See pages 177-178.
370. Is Great Bay Boulevard Fish and Wildlife management area going to be considered federally excluded land?	U.S. Fish & Wildlife Service	No. This is a state owned area.
371. There are existing laws and new legislation possibilities that are not being dealt with.	Charles Irwin	DEP has explored existing legislation and incorporated relevant laws into the Management System. See Chapter Four. New legislation provides options DEP will explore, although this is primarily the responsibility of the Legislature.
372. Property owners should be compensated for restricting the use of their land. (Page 88)	New Jersey Shore Builders Assoc.	The Coastal Program respects the constitutional prohibition against taking land without compensation. The program may, however, lead property owners to reap smaller (or greater) economic gains than they had anticipated.
373. Discount should be provided on real estate taxes for lands affected by CAFRA or the Wetlands Act.	Cumberland County Board of Freeholders	The Legislature and municipal government, not DEP, set taxes.
374. Taxes should be higher along coast to discourage development.	Ruth Fisher	This is beyond the power of the Coastal Program or DEP.

COMMENT	SOURCE	RESPONSE
375. "Resource Conservation and Development" should be added to the list of Federal Actions covered by Federal consistency, since South Jersey is a research area. (Page 221)	U.S. Department of Agriculture	This is not an activity DEP wishes to review for consistency with the Coastal Program. It therefore is not listed in the "Federal Consistency" section of Chapter Five.
376. Will "variance clause" be maintained in the <u>Strategy</u> ? (Page 24)	Natural Resources Defense Council	This phrase has been omitted.
377. It is beyond jurisdiction of CAFRA for DEP to control boating facilities, ports, and commercial boating, and dredge spoil disposal. (Page 40, 41).	New Jersey Shore Builders Assoc.	Under CAFRA, DEP must issue a permit for development of marine terminal and cargo handling facilities and under the Wetlands Act and riparian statutes, DEP must regulate development crossing or using wetlands or riparian lands.
378. The <u>Strategy</u> is not sufficient for implementation requirements of the Federal CZMA. (Page 61)	Natural Resources Defense Council	Disagree. See Chapter Four.
379. The policies are not legally binding.	Natural Resources Defense Council	Chapter Three containing the coastal policies is proposed for adoption as formal rules and regulations.
380. The <u>Strategy</u> does not have an inventory and planning process for energy facilities, assessing effects of shoreline erosion, etc.	United States Fish & Wildlife Service	As the request of NOAA-OCZM, these issues will not be addressed until DEP prepares the program for the rest of the coastal zone.
381. Performance standards should be issued as conditions to each permit approval, making remedial actions possible if standards are not followed. (Page 49)	Natural Resources Defense Council	This has often happened with past decisions under CAFRA, Wetlands Act and riparian statutes, and it will continue under the Coastal Program.
382. Without new legislation, upland portions of the coastal zone are left unregulated. Also new legislation must address sub-threshold development in the CAFRA area.	U.S. Fish & Wildlife Service	Such legislation is not necessary for federal approval of the New Jersey coastal program and is not being proposed by DEP at this time.

COMMENT	SOURCE	RESPONSE
383. Legislation should address single family, strip development throughout the coast.	Monmouth County Environmental Commission	This must be done by an act of the Legislature.
384. Is the non-CAFRA area going to be legislatively delineated?	Charles Erwin	This must be addressed by the legislature. In the absence of legislative action, DEP will define a coastal zone boundary and program for the coastal areas outside the segment, using existing legal authorities.
385. North of Raritan River, how will wetlands, riparian and CAFRA function? Won't CAFRA have to be amended? (Page 17)	Vivian Li	Probably no new legislation will be necessary. This issue will be addressed in the Program for the rest of the coast later in 1978.
386. Does the Program take away sufficient discretion that you would trust it in the hands of a cigar smoking industrialist?	Charles Erwin	Some discretion is inevitable, and the program administrator will, and should, make some difference in the way a program is run.
387. Why has transfer of Development Rights (TDR) been omitted from the management possibilities.	Public Advocate	New Jersey legislation has only addressed TDR on an experimental basis to date. While it is a creative possibility supported by DEP, its use is not yet sufficiently feasible to help manage coastal resources.
388. Will DEP do environmental mapping?	Public Advocate	Yes. DEP has done such mapping and will propose mapping as an activity to be funded by NOAA-OCZM probably in 1979. See page 197 in Chapter Seven.
389. Will CLAM development categories be mapped?		Same comment as above.
390. The coastal program should be much more specific.	League of Women Voters Atlantic County Executive	Agreed. The Segment document is more specific than the <u>Strategy</u> and future documents will make it more specific.

COMMENT	SOURCE	RESPONSE
391. The <u>Strategy</u> is slanted toward developers. How about an environmental, instead of a developer, handbook.	National Marine Fisheries Service	The planned handbook is intended for everyone interested in the Program and will be called a "Coastal Handbook".
392. If federal money is going to be used on HMDC, projects should be specified for 1. water quality; 2. salt-marsh restoration, and 3. use of filled lands. (Page 66)	Burlington OCS Task Force	This will be addressed in the Program for the rest of the Coastal Zone later in 1978.
393. Is the developers handbook the same as the EIS guideline handbook to be prepared by the Division of Fish and Game. (Page 80)	DEP - Division of Fish, Game & Shellfisheries	No. The handbook will provide specific implications and requirements of the Coastal Program, but will build up on the guideline document prepared by the Division of Fish, Games and Shellfisheries.
394. A tourism study is needed.	Ocean County Planning Director	The Division of Travel and Tourism in the Department of Labor and Industry may sponsor such a study. DEP will also explore the possibility of conducting such a study.
395. How long will it take to complete planning work? (Page 82, 9-10)	American Littoral Society	The Program for the entire coastal zone should be in place by the end of 1979.
396. What is the procedure and time table for seeking NOAA approval. (Page 9-10)	New Jersey Petroleum Council	See Chapters One and Seven.
397. What is the nature of forthcoming public meetings?	New Jersey Petroleum Council	NOAA, in conjunction with DEP, will hold public hearings as required by the National Environmental Policy Act. In addition, DEP-OCZM staff will continue to meet less formally with interested individuals and groups. See rear cover of Segment document.
398. There should be a clarification of the 90 Day Law, and DEP's record in complying with it.	Society for Environmental and Economic Development (SEED)	DEP has a flawless record for compliance with the 90 Day Law. The law is cited in Chapter Four.

COMMENT	SOURCE	RESPONSE
399. When will the federal requirements mesh with the state CAFRA requirements?	American Littoral Society	The federal CZMA and rules and regulations provide criteria states must meet in their coastal programs. CAFRA provides a regulatory scheme which will be part of the management system for the program being submitted for federal approval, and also require the management strategy which was prepared in the fall of 1977.
400. Should developers and reviewers continue to use the Interim Guidelines? (Page 77)	Department of Community Affairs, Division of State and Regional Planning	While the Coastal Program is still in draft form, the Interim Guidelines, should be used. DEP reviewers may use the DEIS to provide greater specificity and clarity to its discussion and decisions.
401. What would be the use of funding from a federally approved Coastal Program?	Speaker at Public Meeting	Funding regulatory programs such as CAFRA which is now paid for with state funds, projects such as the Beach Shuttle to Island Beach State Park, planning assistance to local governments, continued planning and other projects.
402. Beach and dune restoration, stabilization, and protection should be studied (Page 82, 83)	U.S. Department of Agriculture	Agreed. These issues are now addressed in greater detail. See "High Risk Erosion Areas" and "Dunes" in Location Policy and "Shore Protection" in Use Policies in Chapter Three on pages 50, 54, and 149.
403. Who will determine greater than local significance. (Page 215)	U.S. Fish & Wildlife	The Legislature has determined this through CAFRA, Wetlands Act, riparian statutes and the Department of Energy Act.
404. Give examples of local, and greater than local decisions. (Page 63)	Natural Marine Fisheries Service Cape May County Planning Board	Issues of greater than local significance, such as natural land or water systems, or energy manufacture and distribution do not respect political boundaries. A local decision is whether to zone an area for housing or industry.
405. Can local zoning be overridden to site energy facilities "in the national interest"?	Jersey City Planning Director	Yes. The Board of Public Utilities can override municipal decisions for public utilities. See "Regional Benefit Decision" in Chapter Five on page 192.

COMMENT	SOURCE	RESPONSE
406. National interest should deal with energy, recreation, and open space. (Page 63)	Cape May County Planning Board	This section has been expanded and now addresses these and other issues. See National Interest in Chapter Five beginning on page 176.
407. Does CAFRA have to be amended in view of the National Interest requirement of CZM Act? (Page 215)	New Jersey Petroleum Council	No. See section on National Interest in Chapter Five beginning on page 176.
<u>PUBLIC PARTICIPATION</u>		
408. There is no plan for public participation. DEP must involve public early in process and offer financial assistance for participation. (Page 207)	Public Advocate American Littoral Society	Opportunities for public involvement have been part of the Coastal Program since it began and DEP will continue to encourage public participation. See "Public Participation" in Chapter Four on page 174. As funding becomes available DEP will explore providing financial assistance. See page 198.
409. Not enough time to react to <u>Strategy</u> . Hearings should be before revisions.	Atlantic Audubon Society Chamber of Commerce American Littoral Society	The comment period was one month before the public meetings and three months afterwards. There will be a minimum 60 day comment period on the DEIS.
410. There is no more than token consideration of public comments.	Pureland Industrial Complex League for Conservation Legislation	Strongly disagree.
411. Industry's views were not considered.	Manchester Manufacturers Assoc.	Disagree. Preparation of the <u>Strategy</u> has involved extensive public involvement including industry's participation at public meetings. The comments of the Manchester Manufacturers Association and others were considered and reviewed as indicated by this document, in preparation of the Bay and Ocean Shore Segment. See page 174 and pages 233-240.

COMMENT	SOURCE	RESPONSE
412. DEP must increase public participation in permit decisions.	Association of New Jersey Environmental Commissions	DEP continues to hold a public hearing on each application, to discuss pending applications with the Environmental Advisory Group each month, to assist the "Coast watch" program of the American Littoral Society and to welcome additional specific suggestions.
413. CLAM was developed without substantial public input, and needs more detail.	Association of New Jersey Environmental Commissions	CLAM has been substantially revised on the basis of public comments. In addition, the Cape May Pilot Study to be published shortly by DEP, will be made available for substantial public comment.
414. The <u>Strategy</u> was prepared solely by a very small representation of our total society, namely, environmentalists.	Asarco Inc.	Disagree. DEP meets frequently with energy representatives, builders associations, engineers, marine trade associations and a number of Rotary and Kiwanis Clubs, who have made extensive comments on the Coastal Program.
415. A much broader public should understand the plan and participate in its preparation.	Regional Plan Association	As can be seen from this document public comments were received from a wide range of individuals and groups and were incorporated into the <u>Segment</u> .
416. Prepare the environmental inventory as mandated by law.	Regional Plan Association	The Inventory was prepared and submitted to the Governor, Legislature and public in September 1975.
417. When applying CLAM, will the local citizens continue to have input?	Stephen Gabriel Ocean City Resident	Yes.

GENERAL

418. The alternate management strategies based on inventory and carrying capacity have not been done. The <u>Strategy</u> fails to comply with Section 16 of CAFRA since it does not delineate various areas appropriate for development of residential and industrial facilities.	Public Advocate New Jersey Petroleum Council	Disagree. The Strategy does comply with N.J.S.A. 13:19-16. Also, these comments address requirements of CAFRA, not of the federal CZMA. Using the Location Policies in Chapter Three, specific policies can be delineated for any land or water area. This is a finer tool, better able to respond to change, than older forms of analysis.
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COMMENT

SOURCE

RESPONSE

419. The terms "encourage" and "discourage" should be discussed thoroughly and defined in greater detail. Also words such as "to the maximum extent feasible", "preferable", "generally significant", and "inadequate" leave disturbing loopholes. (Page 23)
- U.S. Fish & Wildlife Service
Natural Resources Defense Council
- In the Segment document DEP has sought to close the loopholes. Key terms are defined at the start of Chapter Three. Some qualifying language is necessary to allow for the unique aspects of particular projects and to comply with the law. A glossary is included on pages 310-316.
420. If policies are to be binding, "discourage" is not strong enough. "Prohibit" should be used instead. (Page 23)
- Public Advocate
- Where legally permissible and justifiable, the term "prohibit" has been added.
421. The Strategy should include an analysis of economic impact. (Page 47)
- Pureland Industrial Complex
- One of the bases for the Coastal Program was a series of economic analyses performed by the Department of Labor and Industry. The economic impact of a program such as the Coastal Program would be difficult to isolate.
422. Will impact include an indication of how many jobs were lost and gained due to the Strategy and the alternatives.
- Speaker at Public Meeting
- This is difficult, if not impossible, to determine reliably.
423. Will rights of property owners be protected?
- Dredge Harbor Yacht Basin
- The rights of property owners are protected under the Fifth Amendment to the U.S. Constitution.
424. What is the enforceability of Strategy policies in areas outside CAFRA.
- New Jersey Petroleum Council
- DEP can use the policies in areas managed under the Wetlands Act and riparian statutes. This issue will be addressed in the Program for the rest of the Coastal Zone.
425. If CAFRA has no jurisdiction over the Pine Barrens, how can it prevent pipelines from being routed through the barrens. (Page 28)
- New Jersey Shore Builders Assoc.
- Pipelines would have to cross through land or water regulated under the Coastal Program to get from the oil or gas source to the Pine Barrens.

COMMENT	SOURCE	RESPONSE
426. There is not enough time between presentation of CAFRA material (preliminary analysis) and the public hearing for individual permit decisions.	American Littoral Society	Agreed. DEP tries to balance the need for detailed review with the need for efficient permit reviews which comply with the 90 Day Law.
427. Granting of the CAFRA permit for Tranquility Park in Cape May County is very bad, especially filling wetlands and absence of buffers. This destroys farming life style.	Citizens Assoc. to Protect the Environment	Disagree. The decision balanced the Tranquility Park as designed would have been denied.
428. How to amend the <u>Strategy</u> , once it is adopted, is neglected.	Public Advocate	The Coastal Program can be amended through administrative action of the Governor. Major revisions would require the approval of NOAA-OCZM.
429. Networking process as it applies to riparian and wetlands legislation has not been addressed.	New Jersey Petroleum Council	This is now addressed in Chapter Four on pages 165-167.
430. Shopping centers and malls should be brought under DEP jurisdiction.	Public Advocate	Facilities with more than 300 parking spaces requires a CAFRA permit. DEP review of smaller facilities under CAFRA would require an act of the Legislature.
431. The <u>Strategy</u> fails to consider national interest by not complying with specific requirements of federal regulations.	New Jersey Petroleum Council	Disagree. Energy Policies in Chapter Three were formulated with consideration for the national interest. See also National Interest section of Chapter Five on pages 176-186.
432. How is consistency between DEP and DOE going to happen.	Public Advocate	See Department of Energy Section of Chapter on pages 170-171 and Appendix J on pages 277-283.
433. There should be a description of how the Department of Energy or the Energy Facility Review Board will be governed by the policies. (Page 26)	Natural Resources Defense Council	Same comment as above.

COMMENT**SOURCE****RESPONSE**

434. DEP should make final energy siting decisions if the coastal zone is involved.

Atlantic Audubon Society

Under state law, the Department of Energy must be involved in the decision, and the relevant municipal government must agree.

APPENDIX I

PUBLIC MEETING QUESTIONNAIRE

In November 1977, DEP's Office of Coastal Zone Management conducted a series of eight public meetings with interested citizens to discuss the policies of New Jersey's Coastal Zone Management program, and more specifically, to review the newly released Coastal Management Strategy for New Jersey. Four meetings were held in the evening, two in the afternoon, and two in the morning. The meetings included a tape recorded slide presentation, a short talk by a DEP-OCZM staff member, and open discussion and questions and answers. The meetings each lasted about two hours.

At the suggestion of several environmental groups, a questionnaire was distributed during these meetings. Although there were not always available questionnaire forms for all attendees, a sufficient number of the questionnaires were returned to give an idea of the specific concerns regarding the coastal area that brought people to these meetings, and their reactions to the presentation. The questions and the responses from the fifty people returning questionnaires are listed below.

WHAT ARE YOUR MAJOR CONCERNS ABOUT THE COAST?

- Protection and preservation of the natural coastal environment, especially the Wetlands area (This basic concept of "preservation" was expressed more than any other single concern).
- Beaches--beach erosion, flooding, salt water intrusion, public access to all dry sand beaches, pollution of water and land.
- Maintenance of waterways.
- Control of developers.
- Water and air quality.
- Exploring the reaction potential of the coast, especially with respect to linear reaction opportunities (trails, bike paths, canoe ways).
- Ways in which the Green Acres program should acquire more total land from private parties.
- Coordination regarding Federal and State regulation; federal consistency.
- General land use planning.

WHAT SHOULD THE STATE DO ABOUT THEM? WHO ELSE SHOULD BE INVOLVED?

- Constrain development.
- Stop everything. No development.
- Enforce existing laws and enact stricter legislation.

- Implement all legal recourses open to DEP-OCZM to provide access to all beaches.
- Strict enforcement of water quality standards and sewage treatment standards. Deny building permits to all municipalities until adequate sewage facilities are provided whereby the waterways can be cleaned up.
- Stop ocean dumping.
- Encouragement from the State to localities to maintain their beaches.
- Advance identification of prime recreational areas. Local recreational needs must be addressed through continuous public education and participation.
- Wider dissemination of summary material in simple language to encourage more citizen input.
- Allow concerned groups to serve on committees taking a more direct part in making up the final management strategy.
- Provide workshops on proposed regulations to discuss them with the public at greater detail than meetings afford.
- Specific policies and siting criteria for OCS facilities must be delineated.
- Maintain contact with Federal agencies, including periodic meetings with representatives.
- County and municipal zoning should be tied in with coastal zone management.
- Effective land use policies.

WHAT WAS YOUR OVERALL IMPRESSION OF THIS MEETING?

Interesting and Informative	32
My concerns were not addressed	5
Not enough depth on discussion of certain types	9
Not enough background provided	4
Too much speaking by DEP staff	4
Ground rules should have further limited time allowed each speaker	4
Meeting was too long	4
Meeting was too short	1
Location of the meeting was poor	1
Time of the meeting was poor	1

Additional Comments

- Purpose of the Strategy was not made clear.
- Meeting was well run. OCZM staff impressive and professional.
- Explanations by staff were done in simple, understandable language.

- Comments by others in audience were interesting.
- Good for information, but greater depth is necessary.
- More extensive notification is needed.
- All statements should be recorded by a court reporter.
- Speaker would not address himself to the questions.

WHAT DID YOU THINK OF THE SLIDE SHOW?

Number of People

Interesting and informative	31
Too much detail	1
Not enough detail	1
Not enough background	6
Too long	0
Too short	1
Boring	0
Important Topics not covered	4

Additional Comments

- Good background information to serve as a general introduction.
- More information on OCS facilities needed.
- Good narration but illegible slides.
- Great music.

DID YOU SPEAK AT THE MEETING?

Yes	15
No	32

HOW DID YOU LEARN OF THIS MEETING?

The Jersey Coast (DEP-OCZm newsletter)	
Newspaper Article	8
Newspaper Ad	1
Radio Announcement	0
Friend	4
Other	25

Communication from DEP-OCZM
 League of Women Voters
 New Jersey Chamber of Commerce
 American Littoral Society
 School
 Cape May County Environmental Council
 Bayonne Chamber of Commerce
 SEED

ARE YOU LIKELY TO COME TO FUTURE MEETINGS ON COASTAL ZONE MANAGMENT? WHY OR WHY NOT?

	<u>Number of People</u>
Yes	40
No	2

Reasons

- Relevant to work requirements.
- To monitor inclusion of recreation concerns in both New Jersey and federal CZM strategies.
- It is important to preserve vital natural resources.
- Continued interest.
- To keep up to date on coastal zone policies and the progress of the Strategy.

ARE YOU REPRESENTING AN AGENCY AT THIS MEETING?

No	20
Elected Official	1
Federal	7
State	4
County	4
Municipal	4
Private Group	10

APPENDIX II

LIST OF COMMENTERS

This list of people who commented on the Coastal Management Strategy indicates each person's professional affiliation or place of residence, if known. The names of people who signed in at public meetings are included, except for those that were too difficult to read, regardless of whether they actually spoke at the meeting. Several speakers, who stressed that they were appearing as private citizens, rather than as representatives of organizations with which they were associated, are listed only by their home address.

REGIONAL AGENCIES

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